

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DR. ORIEN L. TULP,)	
)	
Plaintiff,)	Case No. 2:18-cv-05540-WB
)	
v.)	Hon. Wendy Beetlestone
)	
EDUCATIONAL COMMISSION FOR)	
FOREIGN MEDICAL GRADUATES and)	
DR. WILLIAM W. PINSKY,)	
)	
Defendants.)	
)	

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Statement of Values, Mission, and Purposes

Values

The values of ECFMG are expressed in its vision statement:

“Improving world health through excellence in medical education in the context of ECFMG’s core values of collaboration, professionalism and accountability.”

Mission

The charge of ECFMG is expressed in its mission statement:

“The ECFMG promotes quality health care for the public by certifying international medical graduates for entry U.S. graduate medical education, and by participating in the evaluation and certification of other physicians and care professionals nationally and internationally. In conjunction with its Foundation for Advancement of Internal Medical Education and Research (FAIMER), and other partners, it actively seeks opportunities to promote medical education through programmatic and research activities.”

Purposes

The purposes (goals) that actuate and accomplish ECFMG’s mission are to:

- Certify the readiness of international medical graduates for entry into graduate medical education and health systems in the United States through an evaluation of their qualifications.
- Provide complete, timely, and accessible information to international medical graduates regarding entry into graduate medical education in the United States.
- Assess the readiness of international medical graduates to recognize the diverse social, economic and cultural needs of U.S. patients upon entry into graduate medical education.
- Identify the needs of international medical graduates to become acculturated into U.S. health care.
- Verify credentials and provide other services to health care professionals worldwide.
- Provide international access to testing and evaluation programs.
- Expand knowledge about international medical education programs and their graduates by gathering data, conducting research, and disseminating the findings.
- Improve international medical education through consultation and cooperation with medical schools and other institutions relative to program development, standard setting, and evaluation.
- Improve assessment through collaboration with other entities in the United States and abroad.
- Improve the quality of health care by providing research and consultation services to institutions that evaluate international medical graduates for entry into their country.
- Enhance effectiveness by delegating appropriate activities in international medical education to FAIMER.

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EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES

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ECFMG MEDICAL SCHOOL POLICY

International Medical School Definition

An "International Medical School" is an educational facility located in a country outside of the United States and Canada with its primary campuses and main operations located in that country.

Additional Criteria for a Medical School's Students and Graduates to Be Eligible to Apply to ECFMG for ECFMG Certification

In addition to meeting ECFMG's current eligibility requirements for ECFMG Certification, in order for students and graduates of a medical school to be eligible to apply to ECFMG for ECFMG Certification, the following criteria must be met:

- (1) ECFMG must have, among other things, confirmation from the appropriate government authority of the medical school country that:
 - (a.) the medical school is recognized as a medical school and permitted to operate by the government; and
 - (b.) the medical school meets governmental accreditation requirements if they apply; and
 - (c.) the degree awarded to graduates of that medical school meet the medical education eligibility requirements for licensure to practice medicine in the medical school country; and
 - (d.) the medical school is an educational facility located in that country with its primary campuses and main operations located in that country.
- (2) If the medical school has a branch campus in another country, ECFMG may require confirmation from the appropriate government authority in the branch campus country that:
 - (a.) the branch campus is authorized to operate as a medical school in the branch campus country;
 - (b.) the medical school awards degrees that meet the medical education eligibility requirements for licensure to practice medicine in the branch campus country.
- (3) The medical school must, upon request, be able to demonstrate that it has the staff, policies / procedures, and facilities necessary for the school's students and graduates to fulfill ECFMG's requirements to become ECFMG Certified. This includes, but is not limited to, having an authorized signatory in place to accurately primary source verify diplomas, or be otherwise acceptable to ECFMG.

ECFMG, in its reasonable discretion, may apply the following additional criterion to medical schools whose students and graduates are not currently eligible to apply to ECFMG for ECFMG Certification:

- (4) The medical school must be accredited by an organization recognized by the World Federation for Medical Education.



ECFMG®

EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES

Information Booklet

ECFMG CERTIFICATION 2019



Visit www.ecfm.org to

Get updates on ECFMG Certification and related policies and services.

Complete the Application for ECFMG Certification using the
Interactive Web Applications (IWA).

Apply for Step 1 and Step 2 (Clinical Knowledge and Clinical Skills) of the
United States Medical Licensing Examination® (USMLE®) using IWA.

Subscribe to *The ECFMG® Reporter* for important updates on ECFMG
Certification and entry into graduate medical education in the United States.

Access your information using the On-line Applicant Status
and Information System (OASIS).

Educational Commission for Foreign Medical Graduates
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About the ECFMG Information Booklet and Application Materials

The ECFMG *Information Booklet* contains detailed information on ECFMG's program of certification. The information contained in this booklet pertains only to the ECFMG certification process and related applications and services. This booklet should not be used as a guide to ECFMG's other programs and services, such as the Electronic Portfolio of International Credentials (EPICSM). Please visit the [ECFMG website](#) for information on ECFMG's programs and services. You also can access this publication, the Application for ECFMG Certification, and the application for Step 1 and Step 2 (Clinical Knowledge and Clinical Skills components) of the United States Medical Licensing Examination[®] (USMLE[®]) on the [ECFMG website](#).

Applicants for examination must use the applicable edition of the *Information Booklet*. The 2019 *Information Booklet* pertains to eligibility periods in 2019. If your eligibility period extends into 2020 and you test in 2020, you must become familiar with and will be subject to the policies and procedures detailed in the 2020 *Information Booklet*. The 2020 *Information Booklet* is expected to be available in September 2019. See the information on eligibility periods under [Applying for Examination](#) in *The United States Medical Licensing Examination (USMLE)* section of this booklet.

The [USMLE Bulletin of Information](#) provides information about the USMLE, a three-step examination for medical licensure in the United States. In the event that information about the USMLE in the ECFMG *Information Booklet* differs from the corresponding information in the USMLE *Bulletin of Information*, the information in the USMLE *Bulletin of Information* controls.

IMPORTANT

Applicants for examination are required to read and become familiar with the information contained in and referenced in both the ECFMG *Information Booklet* and the USMLE *Bulletin of Information*. The USMLE *Bulletin of Information* is available on the [USMLE website](#). Exam applicants should also carefully read the exam application [overview](#) and [instructions](#) available in ECFMG's Interactive Web Applications (IWA). Applicants should review and be familiar with the [Policies and Procedures Regarding Irregular Behavior](#).

Although current at the time of publication, the information contained in the 2019 *Information Booklet* is subject to change. If changes occur, information will be posted on

the [ECFMG website](#). You must obtain the most recent information to understand current policies and procedures.

ECFMG provides important updates on ECFMG Certification and entry into graduate medical education in the United States via an e-mail newsletter called *The ECFMG[®] Reporter* and via Facebook and Twitter. ECFMG encourages applicants to [subscribe](#) to *The ECFMG[®] Reporter* and follow ECFMG on [Facebook](#) and [Twitter](#).

The *Information Booklet* describes deadlines related to exam applications, scheduling, and other services. Unless otherwise indicated, deadlines are calculated using Eastern Time in the United States.

Consistent with ECFMG's Privacy Notice, ECFMG may share the information contained in your application, or that otherwise may become available to ECFMG, with any federal, state or local governmental department or agency, with any hospital or with any other organization or individual who, in the judgment of ECFMG, has a legitimate interest in such information. This may include reporting determinations of irregular behavior to the USMLE Committee for Individualized Review, Federation of State Medical Boards of the United States, U.S. state and international medical licensing authorities, graduate medical education programs, and to any other organization or individual who, in the judgment of ECFMG, has a legitimate interest in such information. For further information regarding ECFMG's data collection and privacy practices, please refer to our [Privacy Notice](#).

ECFMG strives to ensure proper processing of applications for ECFMG Certification and examination, other service requests related to ECFMG Certification and examination, and the information contained in such applications and requests. In the unlikely event that an error occurs in the processing of applications, requests, or associated materials, ECFMG will make reasonable efforts to correct the error, if possible, or permit you either to reapply at no additional fee or to receive a refund. These are the exclusive remedies available to applicants for errors in processing applications and other service requests related to ECFMG Certification, examination, and the other programs described in this booklet.

Please note that ECFMG will not provide services of any kind if doing so would be considered violative of any applicable federal, state, or local laws or regulations. Additionally, ECFMG may delay provision of services while investigating whether the services or surrounding circumstances violate such laws, regulations, or ECFMG's policies and procedures.

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ECFMG Certification

About ECFMG Certification | [Requirements for ECFMG Certification](#) | [Standard ECFMG Certificate](#)

About ECFMG Certification

The Educational Commission for Foreign Medical Graduates (ECFMG), through its program of certification, assesses whether international medical graduates are ready to enter residency or fellowship programs in the United States that are accredited by the [Accreditation Council for Graduate Medical Education \(ACGME\)](#). ACGME requires international medical graduates who enter ACGME-accredited programs to be certified by ECFMG.

ECFMG Certification assures directors of ACGME-accredited residency and fellowship programs, and the people of the United States, that international medical graduates have met minimum standards of eligibility to enter such programs. ECFMG Certification does not, however, guarantee that these graduates will be accepted into programs; the number of applicants each year exceeds the number of available positions.

ECFMG Certification is also one of the eligibility requirements for international medical graduates to take Step 3 of the three-step [United States Medical Licensing Examination \(USMLE\)](#). Medical licensing authorities in the United States require that international medical graduates be certified by ECFMG, among other requirements, to obtain an unrestricted license to practice medicine.

ECFMG defines an international medical graduate as a physician who received his/her basic medical degree or qualification from a medical school located outside the United States and Canada*. Citizens of the United States who have completed their medical education in schools outside the United States and Canada are considered international medical graduates; non-U.S. citizens who have graduated from medical schools in the United States and Canada are not considered international medical graduates.

* The United States and Canada refer to the geographic locations where citizens are issued passports by the governments of either the United States or Canada.

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ECFMG Certification

[About ECFMG Certification](#) | Requirements for ECFMG Certification | [Standard ECFMG Certificate](#)

Requirements for ECFMG Certification

To be eligible for certification by ECFMG, international medical graduates must meet the following requirements.

Medical School Requirements

The physician's medical school must meet requirements established by ECFMG. Schools that meet all requirements will be listed in the *World Directory of Medical Schools* as meeting eligibility requirements for their students and graduates to apply to ECFMG for ECFMG Certification and examination. To confirm that your medical school meets ECFMG's requirements, access the *World Directory* at www.wdoms.org. Medical schools that meet ECFMG's requirements will have an ECFMG note stating this in the schools' *World Directory* listing. The ECFMG note also will include the graduation years for which the school meets these requirements. Since ECFMG is a sponsor of the *World Directory*, the ECFMG note is located on the "Sponsor Notes" tab of the medical school listing. If there is no ECFMG note on the Sponsor Notes tab of your medical school's listing, you are not eligible to apply to ECFMG for ECFMG Certification and examination. For tips, see the quick guide on [how to confirm that a medical school meets eligibility requirements](#).

Important Note: Beginning in 2023, to be eligible for ECFMG Certification, ECFMG will require that applicants graduate from a medical school that has been appropriately accredited. To satisfy this requirement, medical schools must be accredited by an agency that has been recognized by the World Federation for Medical Education through its *Programme for Recognition of Accrediting Agencies*. ECFMG is in the process of establishing policies and procedures for implementing this requirement and will publish updates, as they become available, on the ECFMG website. International medical students and graduates interested in ECFMG Certification should monitor the ECFMG website for the latest information.

Application for ECFMG Certification

International medical students/graduates who wish to pursue ECFMG Certification must submit an Application for ECFMG Certification. The Application for ECFMG Certification consists of an on-line application and the Certification of Identification Form (Form 186)

available through ECFMG's Interactive Web Applications (IWA). The Application for ECFMG Certification requires applicants to confirm their identity, contact information, and graduation from or enrollment in a medical school that is listed in the [World Directory](#) as meeting ECFMG eligibility requirements. See [Medical School Requirements](#). As part of the application, international medical students/graduates must also confirm their understanding of the purpose of ECFMG Certification and release certain legal claims. See [Application for ECFMG Certification](#).

Examination Requirements

The examination requirements for ECFMG Certification include passing Step 1 and Step 2 of the USMLE. The Step 2 exam has two separately administered components, the Clinical Knowledge (CK) component and the Clinical Skills (CS) component.

To meet the examination requirements for ECFMG Certification, applicants must:

1. Satisfy the medical science examination requirement.

Step 1 and Step 2 CK of the USMLE are the exams currently administered that satisfy this requirement.

2. Satisfy the clinical skills requirement.

Step 2 CS of the USMLE is the exam currently administered that satisfies this requirement.

ECFMG has established time limits for completing the examinations required for ECFMG Certification.

For detailed information, including information on time limits and using a passing performance on former exams to satisfy these requirements, see [Examinations for ECFMG Certification](#).

Medical Education Credential Requirements

The physician's graduation year must be included in the ECFMG note in the medical school's *World Directory* listing. See [Medical School Requirements](#). International medical graduates must have been awarded credit for at least four credit years (academic years for which credit has been given toward completion of the medical curriculum) by a medical school that is listed in the *World Directory* as meeting ECFMG eligibility requirements. There are restrictions on credits transferred to the medical school that awards an applicant's medical degree that can be used to meet this requirement. See [Transfer Credits](#) in *Medical Education Credentials*.

Applicants must document the completion of all requirements for, and receipt of, the **final medical diploma**. ECFMG verifies every applicant's medical school diploma with the appropriate officials of the medical school that issued the diploma and requests that the medical school provide the **final medical school transcript**. Verification by ECFMG with the issuing school may also be required for transcripts that are submitted to document transferred credits. See [Medical Education Credentials](#).

Important Note: Submitting falsified or altered documents may result in a finding of irregular behavior and permanent annotation of your ECFMG record. For more information and potential consequences, see [Policies and Procedures Regarding Irregular Behavior](#).

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ECFMG Certification

[About ECFMG Certification](#) | [Requirements for ECFMG Certification](#) | Standard ECFMG Certificate

Standard ECFMG Certificate

The Accreditation Council for Graduate Medical Education (ACGME) requires international medical graduates who enter ACGME-accredited programs of graduate medical education in the United States to be certified by ECFMG.

ECFMG issues the Standard ECFMG Certificate to applicants who meet all of the requirements for certification. International medical graduates must also pay any outstanding charges on their ECFMG financial accounts before their certificates are issued. Standard ECFMG Certificates are issued to applicants approximately two weeks after all of these requirements have been met. The date that the Standard ECFMG Certificate is issued is the date an international medical graduate is considered certified by ECFMG. Currently, ECFMG sends the Standard ECFMG Certificate to the applicant's address of record by Federal Express. For tips, see the quick guide on [how to ensure you receive your ECFMG Certificate](#) as soon as possible.

The Standard ECFMG Certificate includes:

- The name of the applicant;
- The certificate number;
- The dates that the examination requirements were met; and
- The date that the certificate was issued.

Confirming ECFMG Certification to Third Parties

ECFMG offers the Certification Verification Service (CVS) to provide primary-source confirmation of the ECFMG certification status of international medical graduates. ECFMG will confirm your certification status when a request is received from a U.S. medical licensing authority, residency program director, hospital, or other organization that, in the judgment of ECFMG, has a legitimate interest in such information. For status reports sent to medical licensing authorities, the request can also be made by you. For more information, see [Confirming ECFMG Certification to Third Parties](#) in *Related ECFMG Services*.

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Your ECFMG Record

USMLE/ECFMG Identification Number | [Your Name](#) | [Changing Your Name](#) | [Contact Information](#)

USMLE/ECFMG Identification Number

Before you can submit an Application for ECFMG Certification or apply to ECFMG for an exam, you must obtain a USMLE/ECFMG Identification Number. You can obtain a USMLE/ECFMG Identification Number by accessing [Interactive Web Applications \(IWA\)](#). Please allow approximately five business days to receive your Identification Number.

The information you provide during the process of obtaining a USMLE/ECFMG Identification Number will become a part of your permanent ECFMG record. If you fail to provide your correct and current legal name, you will be required to submit acceptable documentation, as described in [Changing Your Name](#) in *Your ECFMG Record*, to change the name in your ECFMG record. If ECFMG determines that the biographic information you submit is inaccurate, not complete, or insufficient to assign a USMLE/ECFMG Identification Number to you, your request for the USMLE/ECFMG Identification Number will not be processed.

Once ECFMG informs you of your number, you must include it on all communications, applications, medical education credentials, request forms, and payments that you send to ECFMG. You will also need your USMLE/ECFMG Identification Number to use ECFMG's [on-line services](#).

Your USMLE/ECFMG Identification Number cannot be changed. If you forget or lose your USMLE/ECFMG Identification Number, you can obtain it by accessing [IWA](#) or by [contacting ECFMG](#). Use the contact information for General Inquiries on the Contact ECFMG page of the ECFMG website. To protect the privacy of applicants, ECFMG will not provide USMLE/ECFMG Identification Numbers by telephone.

Important Note: As part of the process of obtaining an Identification Number, you will be asked if you previously submitted an application to ECFMG for examination. You also will be asked if you were previously assigned a USMLE Identification Number. If you were previously assigned a USMLE Identification Number or have submitted a prior exam application to ECFMG, you must answer "Yes" to the applicable question(s), even if you submitted the prior application under a different name or did not take the exam for which you applied. You must answer "Yes" regardless of whether you submitted an on-line application or a paper application. If you were previously assigned a USMLE Identification Number or have submitted an application to ECFMG but indicate that you

were not previously assigned a number or have not applied previously, this may result in a finding of irregular behavior and permanent annotation of your ECFMG record. See [*Policies and Procedures Regarding Irregular Behavior*](#).

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Your ECFMG Record

[USMLE/ECFMG Identification Number](#) | [Your Name](#) | [Changing Your Name](#) | [Contact Information](#)

Your Name

You must ensure that the name in your ECFMG record is your correct and current legal name. This name will appear on your Standard ECFMG Certificate once you have met all requirements for certification. You must use this name consistently in all communications you send to ECFMG, including applications and requests for other services. Failure to use the name in your ECFMG record consistently in all communications with ECFMG may delay exam registration. It may also prevent you from taking an exam for which you are registered and scheduled.

You can check the name in your ECFMG record on-line using [OASIS](#) or the MyECFMG mobile app. If you legally change your name, you must submit acceptable documentation to ECFMG to change the name in your ECFMG record. See [Changing Your Name](#) in *Your ECFMG Record*.

- The name you submit on your exam **application** will appear on your exam **scheduling permit**. Your name, as it appears on your scheduling permit, must exactly match the name on the form(s) of **identification** you present at the test center. Please review your scheduling permit for details and limited exceptions. See information on required identification under [Taking the Examination](#) in *The United States Medical Licensing Examination (USMLE)*.

If the name on your **scheduling permit** has been misspelled, [contact ECFMG](#) immediately by e-mail, telephone, or fax. Use the contact information for General Inquiries on the Contact ECFMG page of the ECFMG website.

If you change the name in your ECFMG record while you are registered for an exam, a revised scheduling permit reflecting this change will be issued. ECFMG will send you an e-mail notification when your revised scheduling permit is available. You must present the revised scheduling permit at the test center on your exam date. Name changes must be received **and processed** by ECFMG no later than seven business days before your testing appointment, or you will not be able to test.

If you have a valid *Certification of Identification Form* (Form 186) on file with ECFMG, it will be invalidated when the name in your ECFMG record is changed, and you will be required to complete a new *Certification of Identification Form* (Form 186) the next time you apply for examination.

- If the name on your **medical diploma, transcript, or other credential** does not match **exactly** the name in your **ECFMG record**, you must submit documentation, as described in [*Verifying Your Name*](#) in *Medical Education Credentials* that **verifies** the name on your medical diploma, transcript, or other credential is (or was) your name. See [*Name on Medical Diploma and Transcript\(s\)*](#) in *Medical Education Credentials* for examples of common name discrepancies that require name **verification**.

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Your ECFMG Record

[USMLE/ECFMG Identification Number](#) | [Your Name](#) | [Changing Your Name](#) | [Contact Information](#)

Changing Your Name

If you have legally changed your name and want to request a **change** of name in your ECFMG record, send a completed [Request to Change Applicant Biographic Information \(Form 182\)](#) to ECFMG. Form 182 is available in the Resources section of the ECFMG website and from ECFMG, upon request. Form 182 requires you to provide a reason for the name change and must be accompanied by a copy of the appropriate document(s), as defined on Form 182. ECFMG must be able to determine from the document(s) you submit that your name has legally changed from the name currently in your ECFMG record to the name you are requesting to appear in your record and that you are using this new name consistently. This means that it may be necessary for you to submit more than one document to support your name change request. For the purpose of **changing** your name, the document(s) you provide must be **unexpired** (if applicable). These documents may include:

- Passport (including the pages with your photograph and the expiration date)
- Birth certificate
- Marriage certificate
- Official court order
- U.S. Resident Alien Card
- U.S. Naturalization Certificate
- U.S. Passport Card (a one-page document that includes your photograph and the expiration date)

See additional information on documents in Important Notes below.

Important Notes: If you change the name in your ECFMG record while you are registered for an exam, a revised scheduling permit reflecting this change will be issued. ECFMG will send you an e-mail notification when your revised scheduling permit is available. You must present the revised scheduling permit at the test center on your exam date. Name changes must be received **and processed** by ECFMG no later than seven business days before your testing appointment, or you will not be able to test.

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required to complete a new *Certification of Identification Form* (Form 186) the next time you apply for examination.

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Your ECFMG Record

[USMLE/ECFMG Identification Number](#) | [Your Name](#) | [Changing Your Name](#) | [Contact Information](#)

Contact Information

The contact information in your ECFMG record consists of your e-mail address, your address of residence, your telephone number, and your fax number (if applicable). ECFMG will send information on the status of your applications by e-mail. You will also need an e-mail address to use ECFMG's [on-line services](#). Be sure to include a full and complete address for your residence. ECFMG will use your address of residence as your mailing address. Certain ECFMG correspondence, including your Standard ECFMG Certificate, requires a full mailing address.

You should ensure that the contact information in your ECFMG record is current. You can check and update your contact information on-line using [OASIS](#) or the [MyECFMG mobile app](#). You cannot submit changes to your contact information to ECFMG by e-mail. ECFMG will not process changes to contact information received from any person other than the applicant.

Changing your e-mail address using OASIS or MyECFMG does not update your e-mail address in your e-newsletter subscription(s). If you are subscribed to one or more of ECFMG's [e-mail newsletters](#), such as *The ECFMG[®] Reporter* or *ECHO News*, and your e-mail address changes, you must update your e-mail address for **each** e-newsletter. To update your e-mail address in your e-newsletter subscription(s), visit the E-Newsletters page in the Resources section of the ECFMG website, click on the newsletter(s) you receive, unsubscribe your old e-mail address, and subscribe your new e-mail address.

To protect the privacy of applicants, ECFMG will e-mail applicant-specific information only to the e-mail address in the applicant's ECFMG record. If your e-mail inquiry requires a specific response, you must send your inquiry from the e-mail address in your ECFMG record.

All correspondence with ECFMG, including e-mails, will become a part of your permanent ECFMG record.

For further information regarding ECFMG's data collection and privacy practices, please refer to our [Privacy Notice](#).

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Your ECFMG Financial Account

Fees | [Payment](#) | [Methods of Payment](#) | [Refunds](#) | [Forfeiture of Funds](#)

Fees

For a list of fees for ECFMG services that applicants encounter most frequently while pursuing ECFMG Certification and entry into U.S. programs of graduate medical education, see the [Fees](#) page on the ECFMG website. Other fees may apply. All fees are in U.S. dollars and are subject to change without notice.

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Your ECFMG Financial Account

[Fees](#) | [Payment](#) | [Methods of Payment](#) | [Refunds](#) | [Forfeiture of Funds](#)

Payment

Full payment is due at the time you submit an application or request a service. If your application/request is rejected, any payment received with that application/request will be credited to your ECFMG financial account.

Funds in an applicant's ECFMG financial account will be available for a period of two years to pay for applications/requests. Any funds not used during a two-year period will be forfeited to ECFMG; **this means that the applicant will lose those funds**. See [Forfeiture of Funds](#) in *Your ECFMG Financial Account*.

If you owe money to ECFMG at the time that your application/request is processed, ECFMG will apply the payment included with your application/request to the amount that you owe. Any money that is left after this will be used to pay for the application/request. If there is not enough money remaining to pay for the application/request, your application/request will be rejected.

If you submit a paper request and do not include payment, or if the payment you include is not sufficient to cover all fees, we will use the money in your ECFMG financial account to pay for the request. If the money in your account is not sufficient to cover all fees, your request will be rejected.

You can check the status of your ECFMG financial account and make on-line payments using [OASIS](#) or the [MyECFMG mobile app](#). ECFMG's on-line payment is secured using industry-standard encryption technology.

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Your ECFMG Financial Account

[Fees](#) | [Payment](#) | [Methods of Payment](#) | [Refunds](#) | [Forfeiture of Funds](#)

Methods of Payment

If you submit an application or request a service **on-line**, you can pay on-line at the time of application/request by:

- **Credit card** – To use this option, you must have a Visa, MasterCard, Discover, or American Express card with a security code.
- **Electronic check** – To use this option, you must have a checking account at a U.S. bank and either a U.S. Social Security Number or U.S. driver's license. Checks returned for insufficient funds will be subject to a \$10 processing fee.

You can also pay in advance using one of the payment methods described above by accessing [OASIS](#) on the ECFMG website or using the MyECFMG mobile app.

You can also send payment in advance to ECFMG using [Payment for Service\(s\) Requested \(Form 900\)](#), available in the Resources section of the ECFMG website. If you submit payment using Form 900, you can pay by:

- **Credit card** – Visa, MasterCard, Discover, or American Express.
- **Check, bank draft, or money order** made payable to the Educational Commission for Foreign Medical Graduates (or ECFMG). All payments must be made in U.S. funds through a U.S. bank. **You must write your full name and USMLE/ECFMG Identification Number, if one has been assigned to you, on your payment.**

If you pay in advance, you should verify that the payment has been received and credited to your ECFMG financial account before you begin the application or request process. You can verify the status of your ECFMG financial account on-line using [OASIS](#) or the MyECFMG mobile app.

Important Note: If you need to make multiple credit card transactions to pay for an application/request, you must make these payments to your ECFMG financial account in advance using OASIS, the MyECFMG mobile app, or by submitting multiple copies of [Form 900](#).

Do **not** send payments in cash.

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Your ECFMG Financial Account

[Fees](#) | [Payment](#) | [Methods of Payment](#) | [Refunds](#) | [Forfeiture of Funds](#)

Refunds

If you have money in your ECFMG financial account, you may request a refund. Refund requests must be made in writing and should be sent via e-mail to finance@ecfm.org. If the money in your account was a payment for an exam application that was rejected (because you were not eligible or the application was incomplete or otherwise deficient), your refund will be subject to a \$100 processing fee. Approved refunds typically will be issued using the same method as the original payment. For example, if an applicant submits a payment using a credit card, then the refund will be made to the same card.

Important Note: You should consider carefully the timing of your exam application, eligibility period, and test date. Once registered, you cannot cancel or postpone your registration. If you do not schedule and take the exam, you will not receive a refund or credit of your exam fee(s), and you will be required to reapply, including payment of all applicable fees, if you wish to take the exam.

Although you cannot cancel or postpone your registration, there are options that provide registered applicants with flexibility. All registered applicants may change their scheduled test date and/or center, subject to availability. Applicants registered for Step 1/Step 2 CK may request extension of their eligibility periods. Applicants registered for Step 1/Step 2 CK also may request to change their testing region. See information on rescheduling under [Scheduling the Examination](#) in *The United States Medical Licensing Examination (USMLE)*. Applicants registered for Step 2 CS who are unable to obtain the appropriate visa to enter the United States to take the exam may request a full refund of the exam fee. Other requests for exceptions from Step 2 CS applicants are considered on a case-by-case basis. ECFMG will consider requests for exceptions only after the applicant's eligibility period has expired.

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Your ECFMG Financial Account

[Fees](#) | [Payment](#) | [Methods of Payment](#) | [Refunds](#) | Forfeiture of Funds

Forfeiture of Funds

Funds in an applicant's ECFMG financial account will be available for a period of two years to pay for applications submitted or services requested. Any funds not used during a two-year period will be forfeited to ECFMG; **this means that the applicant will lose those funds**. The two-year period is calculated from the date of last transactional activity in the account.

It is your responsibility to monitor the status of your ECFMG financial account. You can check the status of your account, including dates on which payments were made to your account, using [OASIS](#) or the MyECFMG mobile app. A refund request should be made to claim any funds that will not be used prior to the expiration of the two-year period. See [Refunds](#) in *Your ECFMG Financial Account*.

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Irregular Behavior

Policies and Procedures Regarding Irregular Behavior

A. Policies Regarding Irregular Behavior

1. *Irregular behavior* includes all actions or attempted actions on the part of applicants, examinees, potential applicants, others when solicited by an applicant and/or examinee, or any other person that would or could subvert the examination, certification or other processes, programs, or services of ECFMG, including, but not limited to, the ECFMG Exchange Visitor Sponsorship Program, ECFMG International Credentials Services (EICS), the Electronic Portfolio of International Credentials (EPIC), and Electronic Residency Application Service (ERAS) Support Services at ECFMG. Such actions or attempted actions are considered irregular behavior, regardless of when the irregular behavior occurs, and regardless of whether the individual is certified by ECFMG. Examples of irregular behavior include, but are not limited to, submission of any falsified or altered document to ECFMG, whether submitted by the individual or by a third party, such as a medical school, on behalf of the individual; failing to comply with United States Medical Licensing Examination[®] (USMLE[®]) or ECFMG policies, procedures, and/or rules; falsification of information on applications, submissions, or other materials to ECFMG; taking an examination when not eligible to do so, or submission of any falsified or altered ECFMG document to other entities or individuals.

2. The Medical Education Credentials Committee's determination of irregular behavior is sufficient cause for ECFMG to bar an individual from future examinations, to bar an individual from other ECFMG programs and services, to withhold and/or invalidate the results of an examination, to withhold an ECFMG Certificate, to revoke an ECFMG Certificate, or to take other appropriate actions for a specified period of time or permanently. ECFMG may report the Medical Education Credentials Committee's determination of irregular behavior to the USMLE Committee for Individualized Review, Federation of State Medical Boards of the United States, U.S. state and international medical licensing authorities, graduate medical education programs, and to any other organization or individual who, in the judgment of ECFMG, has a legitimate interest in such information.

3. If the Medical Education Credentials Committee determines that an individual engaged in irregular behavior, a permanent annotation to that effect will be included in the individual's ECFMG record. This annotation will appear on the ECFMG Certification Verification Service (CVS) and ECFMG Status Reports for the individual. If the individual

has an EPIC Portfolio, a permanent annotation will be included on all EPIC Reports with respect to that individual. Additional information explaining the basis for the determination of irregular behavior and the resulting action(s) will accompany every ECFMG Status Report, CVS Report, and EPIC Report, and may also be provided to legitimately-interested entities; this additional information may be provided, regardless of the date of the conduct or activity that comprises the irregular behavior. Notice of the Medical Education Credentials Committee's determination of irregular behavior is periodically reported to the ECFMG Board of Trustees.

B. Procedures Regarding Irregular Behavior

1. After receipt of a report or other information suggesting irregular behavior on the part of an individual, ECFMG staff will review the information and will assess whether there is sufficient evidence of irregular behavior. When indicated and feasible, staff will conduct a follow-up investigation to gather additional information.
2. If the individual is an examinee and the review referenced above will not be concluded until after the typical period for the reporting of exam scores, the examinee will be notified that the reporting of the exam scores in question is being delayed.
3. If ECFMG staff finds that there exists a reasonable basis to conclude that an individual may have engaged in irregular behavior, the matter will be referred to the Medical Education Credentials Committee. ECFMG may withhold services from the individual pending a determination from the Medical Education Credentials Committee. If the individual is an examinee, the examinee's exam scores will be withheld, if not already released, and the examinee may not be permitted to sit for subsequent examinations, nor will applications for examination be processed.
4. Using the individual's last known address, the individual will be advised in writing of the nature of the alleged irregular behavior and will be provided with a copy of the *Policies and Procedures Regarding Irregular Behavior*. If the alleged irregular behavior is related to a shared ECFMG and USMLE policy, the USMLE Program will also be advised of the allegation. The individual will be given an opportunity to provide written explanation and to present other relevant information. Any such written explanation or other relevant information must be received by ECFMG by the deadline set forth in ECFMG's writing to the individual. Submissions received after the deadline will be considered by the Medical Education Credentials Committee at its discretion. The individual may also request the opportunity to appear personally before the Medical Education Credentials Committee, and may be represented by legal counsel, if the individual so wishes. In instances in which the individual appears personally before the

Medical Education Credentials Committee, a stenographic or audio recording will be made of that portion of the proceedings during which the individual is in attendance. Any statements made by the individual during a personal appearance before the Medical Education Credentials Committee will be under oath.

5. Individuals who have been charged with irregular behavior who wish to request a deferral of the ECFMG Committee's review of the allegation must (1) submit the request in writing and (2) provide the reason for the request. If ECFMG staff determine that the granting of the request could have a material impact on the individual's opportunity to refute the allegation then staff, at its discretion, can grant the request and defer an ECFMG action for up to six (6) months. Unless the individual can demonstrate compelling circumstances, ECFMG staff should not grant more than two deferral requests. Notwithstanding the foregoing, if the individual charged with irregular behavior is ECFMG Certified, a candidate for residency, or practicing medicine, ECFMG staff will only grant the request for deferral if, in its sole discretion, ECFMG believes that public health and safety is not at risk. If the deferral request is granted, ECFMG will notify appropriate institutions and authorities of the individual's pending irregular behavior charge.

6. All pertinent information regarding the irregular behavior, including any explanation or other information that the individual may provide, will be provided to the Medical Education Credentials Committee. The Medical Education Credentials Committee, based on the information available to it, will determine whether the preponderance of the evidence indicates that the individual engaged in irregular behavior. If the Medical Education Credentials Committee determines that the individual engaged in irregular behavior, the Medical Education Credentials Committee will determine what action(s) will be taken as a result of the irregular behavior. ECFMG will notify the individual whether the Medical Education Credentials Committee determined the individual engaged in irregular behavior and of any action(s) taken pursuant thereto.

7. The Medical Education Credentials Committee's determination of irregular behavior and any action(s) taken pursuant thereto (a "decision" of the Medical Education Credentials Committee) may be appealed to the Review Committee for Appeals if the individual has a reasonable basis to believe the Medical Education Credentials Committee did not act in compliance with the Medical Education Credentials Committee Policies and Procedures or that the Medical Education Credentials Committee's decision was clearly contrary to the weight of the evidence before it. The notice of appeal must be received by ECFMG within thirty (30) days of the date on which the notification advising the individual of the Medical Education Credentials Committee's decision was mailed to

the individual. The appeal of a decision of the Medical Education Credentials Committee is governed by the Rules of Appellate Procedure.

8. Petitions for reconsideration of a decision of the Medical Education Credentials Committee will be reviewed by the Medical Education Credentials Committee only in extraordinary cases. Any such petition must first be considered by ECFMG staff, who, after discussion with the Medical Education Credentials Committee Chair, may deny the request or place it on the agenda for consideration by the full Medical Education Credentials Committee at a regularly scheduled meeting. Absent the submission of newly discovered material evidence not previously available to the petitioner and, therefore, not available to the Medical Education Credentials Committee, petitions for reconsideration typically will be denied.

C. Representative Examples of Irregular Behavior

Representative examples of allegations of irregular behavior and actions taken by the ECFMG Medical Education Credentials Committee include, but are not limited to, the following:

- **Providing false information on an application submitted to ECFMG**

The ECFMG Medical Education Credentials Committee reviewed an allegation of irregular behavior in connection with an individual who provided false information on an application submitted to ECFMG as part of the certification process. In that application, the individual certified he was a student enrolled in medical school when, in fact, he previously had been dismissed from medical school and, therefore, was no longer a student.

Following review, the ECFMG Medical Education Credentials Committee determined the individual had engaged in irregular behavior and **took action to bar the individual from ECFMG Certification, thereby rendering the individual ineligible to apply for USMLE examinations leading to ECFMG Certification. A permanent annotation was added to the individual's ECFMG record.**

- **Providing false information to ECFMG as part of the ECFMG On-line Authentication Process, which is a prerequisite to submitting an application for examination**

The ECFMG Medical Education Credentials Committee reviewed an allegation of irregular behavior in connection with an individual who provided false information to ECFMG as part of the ECFMG On-line Authentication Process, which is used to obtain a USMLE/ECFMG Identification Number and is a prerequisite to submitting an application for examination. During the on-line authentication process, the individual certified he had

not previously submitted an application for examination to ECFMG when he had not only previously applied for, but had taken examinations.

Following review, the ECFMG Medical Education Credentials Committee determined the individual had engaged in irregular behavior and **took action to bar the individual from ECFMG Certification, thereby rendering the individual ineligible to apply for USMLE examinations leading to ECFMG Certification. A permanent annotation was added to the individual's ECFMG record.**

- **Submitting a fraudulent medical diploma and providing false information on an application submitted to ECFMG**

The ECFMG Medical Education Credentials Committee reviewed an allegation of irregular behavior in connection with an individual who submitted a fraudulent medical diploma and provided false information on an application submitted to ECFMG.

Following review, the ECFMG Medical Education Credentials Committee determined the individual had engaged in irregular behavior and **took action to bar the individual from ECFMG Certification, thereby rendering the individual ineligible to apply for USMLE examinations leading to ECFMG Certification. A permanent annotation was added to the individual's ECFMG record.**

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Application for ECFMG Certification

To be eligible for ECFMG Certification, you must complete an Application for ECFMG Certification. The Application for ECFMG Certification consists of an on-line application available through ECFMG's Interactive Web Applications (IWA) and the Certification of Identification Form (Form 186) that must be completed and notarized using NotaryCam. Instructions on how to complete Form 186 using NotaryCam are included with the form. You must have your [USMLE/ECFMG Identification Number](#) before you can begin the Application for ECFMG Certification. For the current fee for submitting an Application for ECFMG Certification, see the [Fees](#) page of the ECFMG website.

As part of the Application for ECFMG Certification, you will be asked to confirm the name, date of birth, and gender in your ECFMG record. If this information is incorrect, you must have the information in your ECFMG record changed to reflect your correct name, date of birth, and/or gender before you can complete the Application for ECFMG Certification. Instructions for how to correct this information will be provided at the time of application.

If you are a medical school **student**, you will be asked to confirm that you are officially enrolled in a medical school located outside the United States and Canada that is listed in the [World Directory of Medical Schools \(World Directory\)](#) as meeting ECFMG eligibility requirements, and that the "Graduation Years" in the ECFMG note in your medical school's *World Directory* listing are listed as "Current." If you are a medical school **graduate**, you will be asked to confirm that you are a graduate of a medical school located outside the United States and Canada that is listed in the *World Directory* as meeting ECFMG eligibility requirements, and that your graduation year is included in the ECFMG note in your school's *World Directory* listing. See [Medical School Requirements](#).

The Application for ECFMG Certification also will require you to confirm your understanding of the purpose of ECFMG Certification and release certain legal claims.

The information submitted in your Application for ECFMG Certification will become a part of your permanent ECFMG record.

An Application for ECFMG Certification will not be considered complete until ECFMG receives and processes both the on-line part of the application and the notarized Form 186 from NotaryCam. A notification will be sent to the e-mail address in your ECFMG record confirming receipt of the on-line part of your Application for ECFMG Certification. Once your Application for ECFMG Certification, including Form 186, has

been accepted by ECFMG, it typically remains valid throughout the certification process. If you are a student when you submit your Application for ECFMG Certification, you do not need to submit another one when you graduate. You can use [OASIS](#) or the MyECFMG mobile app to confirm that you have submitted an Application for ECFMG Certification and have a valid Form 186 on file.

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Examinations for ECFMG Certification

Examination Requirements | [Time Limit for Completing Examination Requirements](#)

Examination Requirements

To be eligible for ECFMG Certification, you must satisfy both the medical science examination and clinical skills requirements. To satisfy these requirements, you must pass Step 1 and Step 2 of the United States Medical Licensing Examination (USMLE). Step 2 of the USMLE has two separately administered components, the Clinical Knowledge (CK) component and the Clinical Skills (CS) component. Refer to the [USMLE Bulletin of Information](#) for more information. ECFMG has established time limits for completing the examination requirements for ECFMG Certification. See [Time Limit for Completing Examination Requirements](#) in *Examinations for ECFMG Certification*.

Passing performance on certain formerly administered examinations can be used to meet these requirements as described below.

Medical Science Examination Requirement

Step 1 and Step 2 CK of the USMLE are the exams currently administered that satisfy the medical science examination requirement. There are time limits for completing these examinations for ECFMG Certification. See [Time Limit for Completing Examination Requirements](#) in *Examinations for ECFMG Certification*.

ECFMG also accepts a passing performance on the following **former** examinations to satisfy the medical science examination requirement for ECFMG Certification: ECFMG Examination, Visa Qualifying Examination (VQE), Foreign Medical Graduate Examination in the Medical Sciences (FMGEMS), and the Part I and Part II Examinations of the National Board of Medical Examiners (NBME).

Combinations of exams are also acceptable. Specifically, if you have passed only part of the former VQE, FMGEMS, or the NBME Part I or Part II, you may combine a passing performance on the basic medical science component of one of these exams or USMLE Step 1 with a passing performance on the clinical science component of one of the other exams or USMLE Step 2 CK, provided that the components are passed within the period specified for the exam program.

Additionally, ECFMG accepts a score of 75 or higher on each of the three days of a single administration of the former Federation Licensing Examination (FLEX), if taken prior to June 1985, to satisfy this requirement.

Clinical Skills Requirement

Step 2 CS of the USMLE is the exam currently administered that satisfies the clinical skills requirement. There are time limits for completing this examination for ECFMG Certification. See [*Time Limit for Completing Examination Requirements*](#) in *Examinations for ECFMG Certification*.

International medical students/graduates who have **both** passed the former ECFMG Clinical Skills Assessment (CSA[®]) **and** achieved a score acceptable to ECFMG on an English language proficiency test (such as the TOEFL exam or the former ECFMG English Test) can use these passing performances to satisfy the clinical skills requirement for ECFMG Certification.

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Examinations for ECFMG Certification

[Examination Requirements](#) | Time Limit for Completing Examination Requirements

Time Limit for Completing Examination Requirements

ECFMG policy requires that international medical students/graduates pass the USMLE Steps and Step Components required for ECFMG Certification within a seven-year period. This means that once you pass a Step or Step Component, you will have seven years to pass all of the other Step(s) or Step Component(s) required for ECFMG Certification. This seven-year period begins on the exam date of the first Step or Step Component passed and ends **exactly seven years from that exam date**.

If you do not pass all required Steps and Step Components within a maximum of seven years, your earliest USMLE passing performance will no longer be valid for ECFMG Certification. **It is your responsibility to track your progress toward meeting the exam requirements for ECFMG Certification. ECFMG will not notify you of upcoming deadlines to meet the seven-year requirement and will not notify you if one (or more) of your passing performances becomes invalid for ECFMG Certification because you failed to meet the seven-year requirement.**

Example: An international medical graduate took Step 1 on October 1, 2012 and passed. He has through October 1, 2019 to take and pass Step 2 CK and Step 2 CS, satisfying the remaining exam requirements for ECFMG Certification. If he does not take and pass Step 2 CK and Step 2 CS on or before October 1, 2019, his passing performance on Step 1 would no longer be valid for ECFMG Certification.

Under this policy, more than one USMLE passing performance can become invalid for ECFMG Certification.

Example: An international medical graduate passed Step 1 on April 1, 2011, and passed Step 2 CK on May 1, 2012. She had through April 1, 2018 (seven years from her Step 1 passing performance) to pass Step 2 CS, satisfying the remaining exam requirements for ECFMG Certification. She did not pass Step 2 CS by April 1, 2018, so her passing performance on Step 1 is no longer valid for ECFMG Certification. Her earliest USMLE passing performance that is valid for ECFMG Certification is now the Step 2 CK passing performance on May 1, 2012. She now has through May 1, 2019 (seven years from her Step 2 CK passing performance) to pass Step 1 and Step 2 CS, satisfying the remaining exam requirements for ECFMG Certification. If she does not pass Step 1 and Step 2 CS

by May 1, 2019, her passing performance on Step 2 CK will no longer be valid for ECFMG Certification.

There are exceptions to this policy:

- This seven-year limit does **not** apply to the former ECFMG CSA because the CSA was not a USMLE Step or Step Component. International medical students/graduates who satisfied the clinical skills requirement for ECFMG Certification by passing the CSA are required to pass only Step 1 and Step 2 CK within seven years of each other for ECFMG Certification. For these individuals, the seven-year period begins on the exam date of the first USMLE Step or Step Component passed, regardless of when the CSA was passed.
- If your earliest USMLE passing performance that is valid for ECFMG Certification took place before June 14, 2004, you are required to pass only Step 1 and Step 2 CK within seven years of each other for ECFMG Certification; if required for ECFMG Certification, Step 2 CS can be passed outside the seven-year period.

If you have passed a Step or Step Component but this passing performance is no longer valid for ECFMG Certification, you may request an exception to retake the previously passed exam that is no longer valid. The USMLE program limits to six the total number of times an examinee can take the same Step or Step Component. See [Reexamination and Reapplication](#) in *The United States Medical Licensing Examination (USMLE)*.

Important Notes: Time limits to complete the USMLE for the purpose of U.S. medical licensure are established by state medical licensing authorities and may require completion of all Steps or Step Components (including Step 3, which is not required for ECFMG Certification) within a certain number of years. Information regarding specific state requirements can be obtained on the [Federation of State Medical Boards website](#).

Applicants who retake a previously passed Step or Step Component to comply with a time limit should understand the implications of a failing retake performance on their Step 3 eligibility. See *Retaking Previously Passed Steps* in the [USMLE Bulletin of Information](#).

A passing performance that is no longer valid for ECFMG Certification will still appear on a USMLE transcript.

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Eligibility for Examination

Medical School Students | [Medical School Graduates](#) | [Reverification of Eligibility](#)

The eligibility requirements for examination differ depending on whether you are a medical school **student** or a medical school **graduate**.

Medical School Students

To be eligible for Step 1, Step 2 CK, and Step 2 CS, you must be officially enrolled in a medical school located outside the United States and Canada that is listed in the [World Directory](#) as meeting ECFMG eligibility requirements, both at the time that you apply for examination and on your test day. In addition, the “Graduation Years” in the ECFMG note in your medical school's *World Directory* listing must be “Current” at the time you apply and on your test day. See [Medical School Requirements](#). An authorized official of your medical school must certify your current enrollment status; instructions will be provided at the time of application for examination.

As soon as you graduate and receive your medical diploma, you must submit a copy of your medical diploma to ECFMG. See [Final Medical Diploma and Transcript](#) in *Medical Education Credentials*.

In addition to being currently enrolled as described above, to be eligible for Step 1, Step 2 CK, and Step 2 CS, you must have completed at least two years of medical school. This eligibility requirement means that you must have completed the basic medical science component of the medical school curriculum by the beginning of your eligibility period. Although you may apply for and take the examinations after completing the basic medical science component of your medical school curriculum, it is recommended that you complete your core clinical clerkships, including actual patient contact, before taking Step 2 CK and Step 2 CS.

If you have passed the former ECFMG CSA, you are **not** eligible to take Step 2 CS, except under certain, well-defined circumstances. Eligible circumstances include: taking Step 2 CS to permanently validate an expired CSA examination date for the purpose of entering U.S. GME; taking Step 2 CS because your most recent performance on a clinical skills exam (CSA or Step 2 CS) is a failing performance (See *Retaking Previously Passed Steps* in the [USMLE Bulletin of Information](#)); and retaking Step 2 CS to meet a time limit (See [Reexamination and Reapplication](#) in *The United States Medical Licensing Examination (USMLE)*).

Important Notes: If your eligibility for an exam changes after you apply but before you take the exam, you are required to inform ECFMG immediately in writing of this change in your status. Such notification must be sent to ECFMG's Applicant Information Services. Use the contact information for General Inquiries on the [Contact ECFMG](#) page of the ECFMG website. Such changes in your eligibility status include, but are not limited to, the following:

- Medical school students who transfer to another medical school after submitting an application for examination must inform ECFMG immediately in writing of this transfer.
- Medical school students who have been dismissed or withdraw(n) from medical school are not eligible for USMLE, even if they are appealing the school's decision to dismiss them or are otherwise contesting their status. Medical school students who have been dismissed or withdraw(n) from medical school must inform ECFMG immediately in writing of their dismissal or withdrawal.
- Medical school students who take a leave of absence should consult with their medical schools about whether they will be considered officially enrolled in medical school during leave. Your medical school may consider a student on leave of absence to be withdrawn from medical school. Medical school students who are not officially enrolled in medical school are not eligible to apply for or take USMLE. Applicants who take a leave of absence after submitting an application for examination to ECFMG must inform ECFMG immediately in writing of this leave.

Failure to inform ECFMG that you may no longer be eligible to take the examination may result in a finding of irregular behavior and permanent annotation of your ECFMG record. See [Policies and Procedures Regarding Irregular Behavior](#).

If you take a Step or Step Component for which you are not eligible, results for that exam may not be reported or, if previously reported, may be canceled.

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Eligibility for Examination

[Medical School Students](#) | [Medical School Graduates](#) | [Reverification of Eligibility](#)

The eligibility requirements for examination differ depending on whether you are a medical school **student** or a medical school **graduate**.

Medical School Graduates

To be eligible for Step 1, Step 2 CK, and Step 2 CS, you must be a graduate of a medical school located outside the United States and Canada that is listed in the [World Directory](#) as meeting ECFMG eligibility requirements. Your graduation year must be included in the "Graduation Years" listed in the ECFMG note in your medical school's *World Directory* listing. See [Medical School Requirements](#). You must have been awarded credit for at least four credit years (academic years for which credit has been given toward completion of the medical curriculum) by a medical school that is listed in the *World Directory* as meeting ECFMG eligibility requirements. An authorized official of your medical school must certify your status as a graduate of the school; instructions will be provided at the time of application for examination.

You must submit a copy of your medical diploma at the time of exam application if your diploma has not been sent to ECFMG previously. See the [Reference Guide for Medical Education Credentials](#) on the ECFMG website for the exact title of the final medical diploma you must provide. If you have graduated and met all requirements for your medical diploma but your medical diploma has not yet been issued, a letter signed by an authorized official of your medical school must be submitted with your exam application. The letter you submit must be the original document and must be written on your medical school's letterhead. The letter must include the following statement:

This is to confirm that [applicant name] has graduated and completed all requirements to receive the [degree title] degree from [medical school/university name]. The degree will be issued [month and year].

You must then submit a copy of your medical diploma to ECFMG as soon as your diploma is issued. See [Medical Education Credentials](#).

All documents that are not in English must be accompanied by an official English translation that meets ECFMG's translation requirements. See [English Translations](#) in *Medical Education Credentials*.

If you have passed the former ECFMG CSA, you are **not** eligible to take Step 2 CS, except under certain, well-defined circumstances. Eligible circumstances include: taking Step 2 CS to permanently validate an expired CSA examination date for the purpose of entering U.S. GME; taking Step 2 CS because your most recent performance on a clinical skills exam (CSA or Step 2 CS) is a failing performance (See *Retaking Previously Passed Steps* in the [USMLE Bulletin of Information](#)); and retaking Step 2 CS to meet a time limit (See [Reexamination and Reapplication](#) in *The United States Medical Licensing Examination (USMLE)*).

Important Notes: If your eligibility for an exam changes after you apply but before you take the exam, you are required to inform ECFMG immediately in writing of this change in your status. Such notification must be sent to ECFMG's Applicant Information Services. Use the contact information for General Inquiries on the [Contact ECFMG](#) page of the ECFMG website. **Failure to inform ECFMG that you may no longer be eligible to take the examination may result in a finding of irregular behavior and permanent annotation of your ECFMG record. See [Policies and Procedures Regarding Irregular Behavior](#).**

If you take a Step or Step Component for which you are not eligible, results for that exam may not be reported or, if previously reported, may be canceled.

If you have already been granted a physician license by a U.S. medical licensing authority based on other licensure examinations, such as the Federation Licensing Examination (FLEX), the NBME certifying examinations, or the National Board of Osteopathic Medical Examiners COMLEX-USA, you may not be eligible to take the USMLE. Please contact ECFMG if you have questions about your eligibility.

The American Medical Association's Council on Medical Education no longer supports the Fifth Pathway as a mechanism for eligibility to enter ACGME-accredited graduate medical education programs. Additionally, the USMLE Program no longer accepts Fifth Pathway Certificates to meet eligibility requirements to take Step 3. Individuals who hold Fifth Pathway Certificates and wish to apply to ECFMG for examination must apply for ECFMG Certification and meet the requirements for ECFMG Certification established for all medical school graduates.

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Eligibility for Examination

[Medical School Students](#) | [Medical School Graduates](#) | Reverification of Eligibility

Reverification of Eligibility

ECFMG reserves the right to reverify your eligibility for examination at any time during the application and registration process. If your medical school informs ECFMG that your status has changed, and ECFMG determines you are no longer eligible for examination, your registration will be canceled. **If you have failed to inform ECFMG of this change in your status, it may result in a finding of irregular behavior and permanent annotation of your ECFMG record. See [Policies and Procedures Regarding Irregular Behavior](#).**

For medical school students, ECFMG may reverify your status as a student officially enrolled in medical school. When a medical school does not participate in [ECFMG Medical School Web Portal \(EMSWP\)](#) Status Verification, ECFMG's reverification of the status of the school's students may include ECFMG sending a written request for reverification by postal mail to the medical school. If reverification is requested by ECFMG, ECFMG may cancel your registration or withhold your score report until ECFMG has received reverification of your status directly from the medical school. If your registration is canceled, you may be required to reapply.

For medical school graduates, ECFMG may reverify your medical education credentials with the issuing medical school. If such reverification is requested by ECFMG, you will be registered for examination only after ECFMG has received reverification of your credentials directly from the medical school. If reverification is requested by ECFMG after you have been registered for examination, ECFMG may cancel your registration or withhold your score report until ECFMG has received reverification of your medical education credentials directly from the issuing school. If your registration is canceled, you may be required to reapply.

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About USMLE

The USMLE is a three-step examination for medical licensure in the United States. The USMLE provides a common system to evaluate applicants for medical licensure. The USMLE is sponsored by the [Federation of State Medical Boards \(FSMB\)](#) and the [National Board of Medical Examiners \(NBME\)](#). The USMLE is governed by a committee consisting of representatives of FSMB, NBME, ECFMG, and the American public. If you apply for examination, you are **required** to read the [USMLE *Bulletin of Information*](#) for detailed information on the USMLE.

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Registration and Test Delivery Entities

Step 1 and Step 2

ECFMG is the organization that registers international medical students/graduates for Step 1 and Step 2 (CK and CS). This means that ECFMG processes your exam application and payment, verifies your eligibility, and notifies you of the outcome of your application. The NBME serves as the registration entity for students/graduates of U.S. and Canadian medical school programs accredited by the [Liaison Committee on Medical Education \(LCME\)](#), and U.S. medical schools accredited by the [American Osteopathic Association \(AOA\)](#).

For eligible international medical students/graduates applying for Step 1/Step 2 CK, ECFMG forwards registration information to NBME, and NBME issues the exam scheduling permits. ECFMG sends an e-mail notification to these applicants when their scheduling permits are available. Scheduling and test centers for USMLE Step 1 and Step 2 CK are provided by [Prometric](#). Prometric serves as the test delivery entity for all examinees taking Step 1/Step 2 CK. Step 1 and Step 2 CK are delivered at Prometric test centers worldwide.

For eligible international medical students/graduates applying for Step 2 CS, ECFMG issues the exam scheduling permits and sends an e-mail notification to applicants when the scheduling permits are available. The Clinical Skills Evaluation Collaboration (CSEC), a collaboration of ECFMG and NBME, is responsible for delivery of the Step 2 CS exam. Step 2 CS is delivered to all examinees at regional CSEC Centers in the United States.

For all applicants, NBME is responsible for determining the results of USMLE exams and for issuing the score reports. ECFMG sends an e-mail notification to international medical students/graduates when their Step 1, Step 2 CK, and Step 2 CS score reports are available.

Step 3

The FSMB is the organization that registers all Step 3 applicants. To be eligible for Step 3, international medical graduates must have passed Step 1 and Step 2 (CK and CS) and

must be certified by ECFMG, among other requirements. See *Eligibility for the USMLE* in the [USMLE Bulletin of Information](#). If you have not met all eligibility requirements, your application for Step 3 will not be accepted. For detailed information and application procedures for Step 3, contact the [FSMB](#). Scheduling and test centers for Step 3 are provided by [Prometric](#), which serves as the test delivery entity for all Step 3 examinees. USMLE Step 3 is delivered at Prometric test centers in the United States.

For all applicants, NBME is responsible for determining the results of USMLE exams and for issuing the score reports. FSMB notifies examinees when their Step 3 score reports are available.

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Applying for Examination

Before applying to ECFMG for examination:

- International medical students/graduates must complete an Application for ECFMG Certification, including the notarized Certification of Identification Form (Form 186). See [Application for ECFMG Certification](#).
- ECFMG must accept the Application for ECFMG Certification, including the notarized Form 186.
- International medical students/graduates must read the applicable editions of the [ECFMG Information Booklet](#) and the [USMLE Bulletin of Information](#).

To apply for USMLE Step 1, Step 2 CK, and/or Step 2 CS, use ECFMG's [Interactive Web Applications \(IWA\)](#). A complete application consists of the on-line part, which you complete using IWA; verification of your student or graduate status by your medical school; and any other required documents. You should read the detailed [overview](#) and [instructions](#) that accompany the application for examination in IWA before you begin working on the application; these resources will help you plan the timing of your application and outline any necessary items (such as official signatures) that require advance planning.

Important Note: You should also consider deadlines imposed by the [National Resident Matching Program \(NRMP\)](#) and graduate medical education (GME) programs. It is solely the responsibility of the applicant to complete the required exams in time to meet deadlines imposed by the NRMP and/or GME programs. Since the number of applicants seeking to complete these exams may exceed the spaces available in time to meet those deadlines, there is no guarantee that sufficient spaces will be available for all applicants to meet deadlines imposed by the NRMP and/or GME programs. ECFMG assumes no liability of any kind if an applicant does not complete the exams in time to have results available to meet NRMP and/or GME program deadlines. See [Examination Results](#) for information on scoring turnaround times.

Exam Fees

For all exams, there is an examination fee. For Step 1 or Step 2 CK, there is an additional international test delivery surcharge, if you choose a testing region other than the United States/Canada. You must pay all applicable fees at the time you apply for examination. For the current exam fees and international test delivery surcharges, see the [Fees](#) page on the ECFMG website.

Eligibility Periods

When you apply for Step 1 or Step 2 CK, you must select a three-month eligibility period, such as January-February-March, February-March-April, etc., during which you would prefer to take the exam. The eligibility period you are assigned will be listed on your scheduling permit. You must take the exam during the eligibility period assigned to you.

If you are unable to take Step 1/Step 2 CK during the three-month eligibility period assigned to you, you may request a one-time, contiguous eligibility period extension (EPEX) using ECFMG's IWA. Refer to the [EPEX Overview](#) in IWA for more information and instructions.

If you do not take Step 1/Step 2 CK during your original or extended eligibility period or if you are unable to extend your eligibility period, you must reapply by submitting a new application and fee(s), if you wish to take the exam.

When you apply for Step 2 CS, you are assigned a 12-month eligibility period that begins on the date that the processing of your application is completed. Your eligibility period will be listed on your scheduling permit.

Once your Step 2 CS eligibility period has been assigned, it cannot be changed or extended. You can schedule a testing appointment for any available date in your eligibility period, and reschedule a testing appointment within your eligibility period. See [Scheduling the Examination](#) for more information. **If you do not take Step 2 CS during your assigned eligibility period, you must reapply by submitting a new application and examination fee, if you wish to take the exam.**

Testing Locations

Step 1 and Step 2 CK are delivered at Prometric test centers worldwide. Prometric's test centers are grouped into defined testing regions. When you apply for Step 1 or Step 2 CK, you must choose the testing region where you want to take the exam. A [list of Prometric testing regions](#) is available on the ECFMG website.

You can take the exam at any test center in your testing region that offers USMLE, provided there is space available on the date you choose. **The test centers available for USMLE Step 1 and Step 2 CK are subject to change.** To obtain current information on specific test centers, visit the [Prometric website](#) or follow instructions on the scheduling permit for contacting Prometric.

If you are unable to keep your Step 1 or Step 2 CK testing appointment at the test center you select, you can reschedule for a different test center within your testing region, subject to availability. To avoid a rescheduling fee, you must reschedule more than 30 calendar days before your scheduled testing appointment. Refer to your scheduling permit for details.

If you are unable to take Step 1 or Step 2 CK in the testing region you selected, you may request a change to your testing region. For more information, see the [Request to Change USMLE® Step 1/Step 2 CK Testing Region \(Form 312\)](#), available in the Resources section of the ECFMG website and from ECFMG, upon request.

Step 2 CS is administered at six test centers in five cities in the United States. Once you are registered for the exam, you will select a test center, subject to availability, when you schedule your testing appointment. If you are unable to keep your testing appointment at the test center you select, you can reschedule for a different center, subject to availability. To avoid a rescheduling fee, you must cancel or reschedule more than 14 calendar days before your scheduled testing appointment. Access [Step 2 CS Calendar and Scheduling](#) on the ECFMG website for more information.

Examinees with Disabilities Requesting Test Accommodations

The USMLE program provides reasonable accommodations for examinees with disabilities under the Americans with Disabilities Act (ADA). If you are an individual with such a disability and require test accommodations, visit the [USMLE website](#) before you apply for each Step or Step Component for information regarding test accommodations, including procedures and documentation requirements.

Examinees Who Require Additional Break Time

Examinees with physical or health conditions, such as lactation (to express breast milk) and diabetes (to monitor/treat blood glucose), may apply for additional break time. See the [USMLE Bulletin of Information](#) for more information.

Personal Item Exceptions (PIE)

Unauthorized possession of personal items while you are in the secure areas of the testing center is prohibited. Exceptions to this policy may be made in certain limited circumstances. See the [USMLE Bulletin of Information](#) for more information.

Important Note: Please note that ECFMG will not provide services of any kind if doing so would be considered violative of any applicable federal, state, or local laws or regulations. Additionally, ECFMG may delay provision of services while investigating whether the services or surrounding circumstances violate such laws, regulations, or ECFMG's policies and procedures.

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Scheduling the Examination

Once ECFMG verifies that you are eligible and your registration is complete, your scheduling permit will be issued. If you apply for more than one exam at the same time, you will be issued separate scheduling permits for each exam. Once your scheduling permit is available, ECFMG will send a notification to the e-mail address in your ECFMG record. **You will not receive the scheduling permit or notification by postal mail.**

Important Note: For Step 1 and Step 2 CK, if the beginning of your assigned eligibility period is more than six months in the future, your scheduling permit will not be available and the notification e-mail will not be sent until approximately six months before the beginning of the assigned eligibility period.

The scheduling permit is a very important document; it includes your assigned eligibility period, a description of the form(s) of identification you must bring to the test center on your exam date, and instructions for scheduling your testing appointment. You must bring your scheduling permit to the test center on your exam date. Your name, as it appears on your scheduling permit, must exactly match the name on your form(s) of identification. Please review your scheduling permit for details and limited exceptions. **If you do not bring a copy of your scheduling permit (electronic or paper) and required identification on each day of your exam, you will not be allowed to take the exam.** If you are not allowed to take the exam, you must pay a fee to reschedule your exam. Your rescheduled testing appointment must fall within your assigned eligibility period.

If the name listed on your scheduling permit is not correct, [contact ECFMG](#) immediately by e-mail, telephone, or fax. Use the contact information for General Inquiries on the Contact ECFMG page of the ECFMG website.

If the name in your ECFMG record is changed while you are registered for an exam, a revised scheduling permit reflecting this change will be issued. ECFMG will send you an e-mail notification when your revised scheduling permit is available. You must bring the revised scheduling permit to the test center. Name changes must be received **and processed** by ECFMG no later than seven business days before your testing appointment, or you will not be able to test. For Step 1 or Step 2 CK, if your eligibility period is extended or your testing region is changed while you are registered, a revised

scheduling permit reflecting this change will be issued. You must bring the revised scheduling permit to the test center.

If you lose your scheduling permit, you can access it through [IWA](#).

Scheduling

You can schedule your testing appointment as soon as you obtain your exam scheduling permit. Please refer to your scheduling permit for instructions on reviewing available test dates and centers and scheduling a testing appointment. If you do not schedule and take the exam within your eligibility period, you must reapply by submitting a new application and exam fee(s), if you wish to take the exam.

Please refer to the schedule for reporting Step 2 CS results, available on the [ECFMG](#) and [USMLE](#) websites, **before scheduling a testing appointment if you need your Step 2 CS results by a specific deadline.**

Rescheduling

If you are unable to keep your Step 1 or Step 2 CK testing appointment, you are permitted to reschedule your appointment within your eligibility period. A fee is charged if a change is made during the 30 calendar days before your scheduled testing appointment. A fee schedule is posted on the [USMLE website](#). Refer to your scheduling permit for details on contacting Prometric to change your appointment.

If you cannot take the Step 1 or Step 2 CK exam during your assigned eligibility period, you may request a one-time, contiguous eligibility period extension (EPEX) using ECFMG's IWA. Refer to the [EPEX Overview](#) in IWA for more information and instructions.

If you cannot take the Step 1 or Step 2 CK exam in the testing region you selected, you may request to change your testing region. Refer to the [Request to Change USMLE® Step 1/Step 2 CK Testing Region \(Form 312\)](#) for details. This form is available in the Resources section of the ECFMG website and from ECFMG, upon request.

If you are unable to keep your Step 2 CS testing appointment, you are permitted to reschedule your appointment within your eligibility period. A fee is charged if a change is made during the 14 calendar days before your scheduled appointment. For instructions on canceling and rescheduling a Step 2 CS testing appointment, rescheduling fees, and to cancel or reschedule your appointment, access [Step 2 CS Calendar and Scheduling](#) on the ECFMG website.

Step 2 CS eligibility periods cannot be extended. If you do not take the exam within your eligibility period, you must reapply by submitting a new application and examination fee, if you wish to take the exam.

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Preparing for Examination

For detailed information on test lengths and formats see *The USMLE: Purpose, Test Format, and Test Lengths* in the [USMLE Bulletin of Information](#).

Practice materials for all Steps and Step Components are available in the [Practice Materials](#) section of the USMLE website.

The NBME offers web-based self-assessments to help medical students and graduates evaluate their readiness for computer-based Steps and Step Components (Step 1, Step 2 CK, and Step 3). For complete information, see [NBME Self-Assessment Services](#) on the NBME website.

Practice Sessions for USMLE Step 1, Step 2 CK, and Step 3 are available at Prometric test centers to registered applicants. These sessions are provided primarily to give examinees the opportunity to become familiar with the Prometric test center environment. For more information, see [USMLE Computer-based Testing Practice Session](#) on the USMLE website.

Important Note: Test preparation courses and materials are available from individuals and companies not associated with the USMLE. It is unlawful for any test preparation service or program to use, disclose, distribute, or solicit content from recent test takers, or to otherwise provide access to questions or answers from actual USMLE exams. If there is evidence that you enrolled in, participated in, or used any test preparation program or service that distributes, provides access to, or uses USMLE content (questions or answers), or provides a forum for others to share such information, your registration and/or testing may be canceled, your scores on the USMLE may be withheld or canceled, and you may be subject to further sanctions. See *Irregular Behavior* in the [USMLE Bulletin of Information](#). ECFMG also regularly reviews allegations of irregular behavior in conjunction with its programs and services. See [Policies and Procedures Regarding Irregular Behavior](#), which may apply.

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Taking the Examination

For detailed information on arrival times, and procedures upon arrival and throughout the testing day, see *Examination Day and Testing* in the [USMLE Bulletin of Information](#). You should also refer to your scheduling permit for important information.

Important Note: After you start taking an examination, you cannot cancel or reschedule that examination. If you start the examination but do not complete it, the attempt may appear as "incomplete" on your USMLE transcript.

When you arrive at the test center, you must present your **scheduling permit** and the **required identification** as described on your scheduling permit. **If you do not bring a copy of your scheduling permit (electronic or paper) and required identification on each day of your exam, you will not be admitted to the test** and will be required to pay a fee to reschedule your test.

Your name, as it appears on your scheduling permit, must match the name on your form(s) of identification exactly. Please review your scheduling permit for details and limited exceptions. If the name listed on your scheduling permit is not correct, [contact ECFMG](#) immediately by e-mail, telephone, or fax. Use the contact information for General Inquiries on the Contact ECFMG page of the ECFMG website.

If the name in your ECFMG record is changed while you are registered for an exam, a revised scheduling permit reflecting this change will be issued. ECFMG will send you an e-mail notification when your revised scheduling permit is available. You must bring this revised scheduling permit to the test center. Name changes must be received **and processed** by ECFMG no later than seven business days before your testing appointment, or you will not be able to test. For Step 1 or Step 2 CK, if your eligibility period is extended or your testing region is changed while you are registered, a revised scheduling permit reflecting this change will be issued. You must bring the revised scheduling permit to the test center.

Required Identification

Your name, as it appears on your scheduling permit, must exactly match the name on your form(s) of identification. Please review your scheduling permit for details and

limited exceptions. Since your name on the scheduling permit appears in the Latin alphabet (in "English language letters"), the name on your identification must also appear in the Latin alphabet. The spelling of the name on your scheduling permit must match **exactly** the spelling of the name on the form(s) of identification you present at the test center. If the names do not match as described above, you will not be allowed to take the exam. See [Your Name](#) in *Your ECFMG Record*.

The form of identification you present must be one of the forms of **unexpired**, government-issued identification listed below that contains your **name in the Latin alphabet**, your **signature**, and your recent **photograph**. The following forms of identification are acceptable, only if they meet all of these requirements:

- Passport
- Driver's license with photograph
- National identity card
- Other form of unexpired, government-issued identification

Travel Status

Applicants traveling to the United States to take an exam are responsible for making the necessary travel and accommodation arrangements. If you are neither a U.S. citizen nor a U.S. lawful permanent resident, you are responsible for obtaining required travel documents. These documents may include a visa to enter the United States. The requirements of the U.S. Department of Homeland Security (DHS) and U.S. embassies and consulates regarding issuance of visas and travel to and from the United States are subject to change. You should review current requirements before applying for a visa. For additional information, visit the [DHS website](#) and the [U.S. Department of State website](#).

Step 2 CS is administered only in the United States. Upon request, ECFMG provides Step 2 CS applicants with a letter that may assist during the process of applying for a visa. The letter indicates that the applicant is registered for Step 2 CS, one of the exams required for ECFMG Certification. The letter also indicates that the applicant is required to travel to the United States to take the exam and provides the date by which the applicant must complete the exam. You can request this letter when you apply for Step 2 CS. After completion of the registration process, ECFMG will issue the letter, and it will be available to you through [IWA](#). If you are unable to obtain the appropriate visa to enter the United States to take Step 2 CS, you may request a full refund of the exam fee. See [Refunds](#) in *Your ECFMG Financial Account*.

If you are traveling from a distant location, you should consider arriving a day or two before the examination in order to be rested.

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USMLE Program and Irregular Behavior

The USMLE program defines irregular behavior as including, "any action by applicants, examinees, potential applicants, or others that could compromise the validity, integrity, or security of the USMLE process." Test center staff monitor, in person and via video/audio recording, administration of the USMLE Steps and are required to report any violations of the USMLE or test center rules. You must follow instructions from test center staff throughout the examinations; failure to do so may result in a finding that you have engaged in irregular behavior and permanent annotation of your USMLE transcript. See *Testing Regulations and Rules of Conduct and Irregular Behavior* in the [USMLE Bulletin of Information](#). See ECFMG's [Policies and Procedures Regarding Irregular Behavior](#), which also may apply.

Important Notes: Seeking, providing, and/or obtaining information relating to examination content that may give or attempt to give unfair advantage to anyone who may be taking the examination, which includes postings regarding examination content and/or answers on the Internet, is a violation of the USMLE Rules of Conduct.

Evidence of violation of any test administration rule, including the USMLE Rules of Conduct, will result in actions being taken under *USMLE Policies and Procedures Regarding Irregular Behavior*. If you are found to have engaged in irregular behavior, your score report and transcripts will include this finding, you may be barred from taking the USMLE in the future, and your score may be canceled.

Anomalous performance and/or unusual testing history may impact your access to the USMLE. If your performance raises concerns about your readiness to test or your motivation to pass, the USMLE program reserves the right to restrict your future access to its examinations and/or to impose conditions upon future access. Do not test if you are not able or not ready on your scheduled test date. Taking a Step examination to familiarize yourself with the examination format, or for any reason other than to pass, is prohibited and may result in restrictions on your future access to the USMLE.

The above-described conduct may also be considered irregular behavior under ECFMG's [Policies and Procedures Regarding Irregular Behavior](#).

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Examination Results

The USMLE program provides a recommended pass or fail outcome on all Step examinations. For ECFMG Certification, you must obtain at least the USMLE-recommended pass outcome for each required Step or Step Component. See [Examination Requirements](#) in *Examinations for ECFMG Certification*.

Score Reporting

Results for Step 1 and 2 CK are typically available three to four weeks after your test date. However, a number of factors may delay score reporting. When selecting your test date and inquiring about results, you should allow at least eight weeks to receive notification that your score report is available. Results for Step 2 CS are available according to the Step 2 CS Schedule for Reporting Results, available on the [USMLE](#) and [ECFMG](#) websites. For more specific information about potential scoring delays, visit the Announcements section on the home page of the [USMLE website](#).

ECFMG reserves the right to reverify with the medical school the eligibility of medical school students and graduates who are registered for examination. If ECFMG requests reverification of your student/graduate status with your medical school, your score report will be issued only after reverification of your status has been received by ECFMG.

Score reports are issued in electronic format only and can be accessed using ECFMG's [OASIS](#); **you will not receive a paper score report by postal mail**. Once your score report has been issued, ECFMG will send a notification to the e-mail address in your ECFMG record.

Score reports are available for approximately 120 days from the date of e-mail notification. Once the score report is removed from OASIS, your results will be provided to you only in the form of an official USMLE transcript. To obtain a transcript, you will be required to submit a request and pay a fee through the organization that registered you for the examination. Therefore, it is strongly recommended that you print and/or save your score report while it is available.

Important Note: ECFMG may provide your medical school with data on your performance on administrations of USMLE Step 1, USMLE Step 2 CK, and USMLE Step 2

CS. Data provided include whether you passed or failed the exam administration, and, for Step 1 and Step 2 CK, your numerical score. You have the option to withhold your exam results from your medical school. See ECFMG's Provision of Performance Data to Medical Schools in [IWA](#) for more information.

See *Score Reporting* in the [USMLE Bulletin of Information](#) for additional information. For up-to-date information on minimum passing scores, examination performance data, and general scoring methodology, please visit the [USMLE website](#).

Score Validity

The USMLE program reserves the right to cancel scores that are at or above the passing level if the USMLE program has a good faith basis for questioning whether they represent a valid measure of knowledge or competence as sampled by the examination. If there are questions related to the validity of your score, your score report may be delayed or withheld pending completion of further review and/or investigation. See *Score Validity* in the [USMLE Bulletin of Information](#).

USMLE Transcripts

To request an official USMLE transcript, you must contact the organization that registered you for the examination. You must contact the Federation of State Medical Boards if you are registered for or have taken Step 3 and/or you want to send your transcript to a U.S. medical licensing authority. In all other cases, submit your transcript request to ECFMG by sending a completed [Request for Official USMLE® Transcript \(Form 172\)](#) and the appropriate fee to ECFMG. Form 172 and additional information are available in the Resources section of the ECFMG website and from ECFMG, upon request. You can use [OASIS](#) to check whether your USMLE transcript has been sent.

If you apply to residency programs through the [Electronic Residency Application Service \(ERAS\)](#), you may request electronic transmittal of your USMLE transcript to these programs. For additional information, refer to the [ERAS applicant information](#) available in the ERAS Support Services section of the ECFMG website. Information on the status of requests for electronic transmittal of USMLE transcripts via ERAS is not available through OASIS. If the program does not participate in ERAS, you must submit a transcript request using Form 172 and pay the required fee.

Important Note: If you took the former ECFMG CSA, your USMLE transcript will indicate only that you have CSA examination history. It will not provide any additional information on your attempt(s) on the CSA. To request official copies of your CSA

performance history, you must complete a [Request for an Official ECFMG® CSA® History Chart \(Form 297\)](#) and submit it to ECFMG with the appropriate fee. Form 297 is available in the Resources section of the ECFMG website and from ECFMG, upon request. For each attempt on the ECFMG CSA, the Official ECFMG CSA History Chart includes the month and year of the administration and the result of your performance. For additional information, refer to the instructions that accompany Form 297.

Score Rechecks

For all Steps and Step Components, a rigorous process is used to ensure the accuracy of scores, including a double scoring method involving independent scoring systems. Therefore, a change in your score or in your pass/fail outcome based on a recheck is an extremely remote possibility. To date, the score recheck process has not resulted in a score change. However, a recheck will be performed if you submit a [Request for Recheck of USMLE® Step 1, Step 2 CK, or Step 2 CS Score \(Form 265\)](#) and the fee for this service to ECFMG. Form 265 is available in the Resources section of the ECFMG website and from ECFMG, upon request. Your request must be received by ECFMG no later than 90 days after your result was released to you. See *Score Rechecks* in the [USMLE Bulletin of Information](#) for more information.

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The United States Medical Licensing Examination (USMLE)

[About USMLE](#) | [Registration and Test Delivery Entities](#) | [Applying for Examination](#) | [Scheduling the Examination](#) | [Preparing for Examination](#) | [Taking the Examination](#) | [USMLE Program and Irregular Behavior](#) | [Examination Results](#) | [Reexamination and Reapplication](#)

Reexamination and Reapplication

USMLE policy generally does not allow applicants to retake a Step or Step Component if they have already passed that Step or Step Component. However, there are exceptions for the purpose of complying with a time limit imposed by a U.S. physician licensing authority or another authority recognized by the USMLE program. See 'Time Limit for Completing Examination Requirements' below.

If you fail a Step or Step Component, you must reapply, including payment of the appropriate fee(s), to retake the exam. If you do not take an exam during your assigned eligibility period, you must reapply, including payment of the appropriate fee(s), if you wish to take the exam; **in this event, you may reapply at any time, however, ECFMG cannot begin to process a subsequent application for this exam until at least four weeks after the end of the eligibility period for the exam you did not take.**

Number of Attempts Allowed

The USMLE program limits to six the total number of times an examinee can take the same Step or Step Component. An examinee is ineligible to take a Step or Step Component after **six or more prior attempts** to pass that Step or Step Component, including incomplete attempts. All attempts at a Step or Step Component are counted toward the limit, regardless of when the exams were taken.

For the purpose of U.S. medical licensure, state medical licensing authorities may limit the number of attempts allowed to pass each Step or Step Component. Information regarding specific state requirements can be obtained on the [Federation of State Medical Boards website](#).

Time Between Examination Attempts

The USMLE program has established rules on how quickly you can retake the same Step or Step Component. You may not take the same examination more than three times within a 12-month period. Your fourth and subsequent attempts must be at least 12 months after your first attempt at that exam **and** at least six months after your most recent attempt at that exam. This includes incomplete attempts.

Example: An examinee took and failed her first attempt at Step 1 on January 15, 2017, her second attempt at Step 1 on April 15, 2017, and her third attempt at Step 1 on September 15, 2017. In January 2018, the examinee applied for a fourth attempt at Step 1, and wanted the March-April-May eligibility period. The earliest date that was both 12 months after her first attempt on January 15, 2017 and six months after her most recent attempt on September 15, 2017 was March 15, 2018. Since the March-April-May eligibility period began before this date, the earliest eligibility period that the applicant could request was April-May-June.

When you reapply, your eligibility period will be adjusted, if necessary, to comply with these rules. You must read the editions of the ECFMG *Information Booklet* and the USMLE *Bulletin of Information* that pertain to the eligibility period in which you take the exam.

Time Limit for Completing Examination Requirements

For the purpose of ECFMG Certification, you must pass the USMLE Steps and Step Components required for ECFMG Certification within a seven-year period. If you do not pass all Steps and Step Components required for ECFMG Certification within a maximum of seven years, your earliest USMLE passing performance will no longer be valid for ECFMG Certification. See [Time Limit for Completing Examination Requirements](#) in *Examinations for ECFMG Certification*.

If you have passed a Step or Step Component but this passing performance is no longer valid for ECFMG Certification, you may request an exception to retake the previously passed exam that is no longer valid.

For the purpose of U.S. medical licensure, time limits to complete the USMLE are established by state medical licensing authorities and may require completion of all Steps or Step Components (including Step 3, which is not required for ECFMG Certification) within a certain number of years from the date the first Step is passed. Information regarding specific state requirements can be obtained on the [FSMB website](#). You may request an exception to retake a previously passed exam to comply with the time limit of a U.S. physician licensing authority. Visit the [USMLE website](#) for more information.

Important Notes: You may only request an exception at the time that you apply for the previously passed exam. Complete requirements and instructions will be provided at the time of exam application. Exceptions to the reexamination policy are not approved prior to your submitting the exam application.

Applicants who retake a previously passed Step or Step Component to comply with a time limit should understand the implications of a failing retake performance on their Step 3 eligibility. See *Retaking Previously Passed Steps* in the [USMLE Bulletin of Information](#).

If an applicant's earliest USMLE passing performance that is valid for ECFMG Certification took place before June 14, 2004, the applicant is required to pass only Step 1 and Step 2 CK within seven years of each other for ECFMG Certification; if required for ECFMG Certification, Step 2 CS can be passed outside the seven-year period. See [Time Limit for Completing Examination Requirements](#) in *Examinations for ECFMG Certification*. If this applicant passes Step 1 and Step 2 CK within a seven-year period, these passing performances will remain valid for ECFMG Certification, regardless of when Step 2 CS is taken and passed. **This applicant will not be eligible to retake Step 1 or Step 2 CK for the purpose of meeting a time limit imposed by a U.S. physician licensing authority until after he or she is certified by ECFMG.**

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Medical Education Credentials

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Medical Education Credential Requirements

To be eligible for ECFMG Certification, you must have been awarded credit for at least four credit years (academic years for which credit has been given toward completion of the medical curriculum) by a medical school that is listed in the *World Directory of Medical Schools* (*World Directory*) as meeting ECFMG eligibility requirements. Your graduation year must be included in the ECFMG note in your medical school's *World Directory* listing. See [Medical School Requirements](#). There are restrictions on credits transferred to the medical school that awards your medical degree that can be used to meet ECFMG's medical education credential requirements.

Important Notes: Graduates not eligible for admission to the exams or for ECFMG Certification include, but are not limited to: Graduates with degrees only in stomatology, ayurvedic or homeopathic medicine, or those awarded only the diploma of Physician-Epidemiologist-Hygienist, Physician-Biochemist, Physician- Cyberneticist, Physician-Biophysicist, Licensed Medical Practitioner, or Assistant Medical Practitioner.

Beginning in 2023, to be eligible for ECFMG Certification, ECFMG will require that applicants graduate from a medical school that has been appropriately accredited. To satisfy this requirement, medical schools must be accredited by an agency that has been recognized by the World Federation for Medical Education through its *Programme for Recognition of Accrediting Agencies*. ECFMG is in the process of establishing policies and procedures for implementing this requirement and will publish updates, as they become available, on the ECFMG website. International medical students and graduates interested in ECFMG Certification should monitor the ECFMG website for the latest information.

International medical graduates must document the completion of all requirements for, and receipt of, the **final medical diploma**. ECFMG verifies every international medical graduate's final medical diploma with the appropriate officials of the medical school that issued the diploma. When ECFMG requests verification of your medical diploma from your medical school, ECFMG will request the medical school to provide your **final medical school transcript**. Verification by ECFMG with the issuing school may also be required for transcripts that are submitted to document transferred credits. An international medical graduate's credentials are not considered complete until ECFMG

receives and accepts verification of the final medical diploma, final medical school transcript, and, if required, transfer credit transcript(s) directly from the issuing school(s).

Please do not send original documents; copies of documents are sufficient. All documents submitted to ECFMG as part of the certification process, including translations, will become part of your permanent ECFMG record and will not be returned to you. Please do not send any credentials not required by ECFMG (such as licenses, certificates of full registration, high school diplomas, academic awards, etc.). Submission of unnecessary documents can delay the processing of your exam application.

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Transfer Credits

Transfer credits are credits earned for a course taken at one institution (such as a medical school) that are accepted by a medical school toward meeting its degree requirements. For example, a student attends a medical school for one year and earns credits for 12 courses. The student transfers to another medical school, which accepts the credits for those 12 courses toward meeting its degree requirements. The credits for those 12 courses are then referred to as transfer credits.

If you transferred credits to the medical school that awarded or will award your medical degree, you must disclose and document these credits when you apply to ECFMG for examination, **regardless of when the credits were earned**. See [Credentials for ECFMG Certification](#) in *Medical Education Credentials*. Failure to disclose and document these credits may have a number of negative consequences, including delaying exam registration and certification by ECFMG, and may result in a finding of irregular behavior and permanent annotation of your ECFMG record. See [Policies and Procedures Regarding Irregular Behavior](#).

Additionally, for the purpose of ECFMG Certification, credits earned on or after January 1, 2008 that are transferred to the medical school that awarded or will award your medical degree must meet **all** of the following criteria:

- If credits for more than eight courses were transferred, all credits must have been transferred from a medical school that is either:
 - located in the United States or Canada and listed in the *World Directory*, or
 - listed in the *World Directory* as meeting ECFMG eligibility requirements.
- Credits must be for courses that were passed at the medical school at which the course was taken.

If your transferred credits do not comply with all the criteria listed above, you will not meet the requirements to be registered by ECFMG for examination or the requirements to be certified by ECFMG. If your transferred credits do not meet **all** the criteria listed

above, you may request an exception from the ECFMG Medical Education Credentials Committee.

Important Note: The requirement that credits must be transferred from a medical school that meets the criteria above does not apply to credits transferred **only to the pre-medical portion of the curriculum** of the medical school that awarded or will award the medical degree. If you transferred credits to the pre-medical portion of the curriculum at the medical school that awarded or will award your medical degree from an institution that does not meet the criteria listed above, you must provide ECFMG with a letter from the medical school that awarded or will award your medical degree confirming that the credits were transferred to the pre-medical portion of the curriculum only. This letter must be on the letterhead of the medical school and be signed by an authorized official of your medical school. This letter must be submitted in conjunction with the application for examination. Applications received without this letter may be rejected. **This letter is in addition to disclosing and documenting all transferred credits as described above.**

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Credentials for ECFMG Certification

The credentials required for ECFMG Certification are:

- [Final Medical Diploma and Transcript](#)
- [Transcript\(s\) to Document Transferred Credits](#), if applicable

All documents that are not in English must be accompanied by an official [English translation](#) that meets ECFMG's translation requirements. See [Final Medical Diploma and Transcript](#), [Transcript\(s\) to Document Transferred Credits](#), and [English Translations](#) for complete information on required items.

Important Note: You must include your full name and USMLE/ECFMG Identification Number on the **front** of all credentials before sending them to ECFMG.

If you are a medical school graduate when you submit your first exam application, your diploma and transcript(s) to document transferred credits (if applicable) must be submitted with this initial exam application. If you have graduated and met all requirements for your medical diploma but your medical diploma has not yet been issued, a letter completed and signed by an authorized official of your medical school must be submitted with your exam application. Each medical school has been requested to provide ECFMG with a list of authorized officials. The letter you submit must be completed and signed by an official on this list. The official must provide his/her name, official title, and the institution name. The official must affix the institution's seal to the letter. The letter also must include the following statement:

This is to confirm that [applicant name] has graduated and completed all requirements to receive the [degree title] degree from [medical school/university name]. The degree will be issued [month and year].

You must then submit a copy of your diploma to ECFMG as soon as the diploma is issued.

If you graduated from medical school and do not submit a copy of your medical diploma or a letter from your medical school, as described above, and these documents have not been received previously by ECFMG, your exam application will be rejected.

If you are a medical school student when you submit your first exam application, submit copies of your medical education credentials as soon as you graduate and receive them.

You may not submit the credentials required for ECFMG Certification to ECFMG until you apply for an exam. If you send credentials to ECFMG before you apply for an exam, they will not be processed. To submit your credentials at the time of application, follow the instructions for additional documents in the exam application in ECFMG's IWA.

After you have applied for an exam, if you need to send credentials to ECFMG separately from an exam application, you must submit the credentials to ECFMG via the MyECFMG mobile app or via mail at the address below.

Educational Commission for Foreign Medical Graduates (ECFMG)
Attn: Certification Credentials Services
3624 Market St., 4th Floor
Philadelphia, PA 19104-2685
USA

If your credentials are complete, you are generally not required to resend these documents when you apply for subsequent exams.

ECFMG will not accept letters or other deliveries that arrive with postage or other fees due.

When your credentials have been processed, ECFMG will notify you. You can also check the status of your credentials by accessing [OASIS](#) or the [MyECFMG mobile app](#). If you have questions or concerns about your credentials, you can [contact ECFMG](#) using the contact information for General Inquiries on the Contact ECFMG page of the ECFMG website.

Documents submitted to ECFMG as part of the exam application and certification processes, including translations, will not be returned.

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Final Medical Diploma and Transcript

Final Medical Diploma

ECFMG requires all medical school graduates to submit a copy of their final medical diploma to ECFMG. Do not send an original diploma. You must submit the copy of your diploma to ECFMG via the [MyECFMG mobile app](#) or via mail or courier service. The exact degree title of the final medical diploma you must provide is listed in the [Reference Guide for Medical Education Credentials](#) on the ECFMG website. The *Reference Guide* lists these medical credential qualifications by country of medical school. Although this *Reference Guide* is based upon information that was current at the time of publication, this information is subject to change.

If you are mailing a copy of your medical diploma, the photocopy **must be 216 mm x 279 mm (8½ in x 11 in)**. If the document is larger than 216 mm x 279 mm (8½ in x 11 in), you must send a reduced photocopy that is 216 mm x 279 mm (8½ in x 11 in).

You must submit the copy of the final medical diploma in the original language, containing the issue date and all of the appropriate signatures of the medical school and/or university officials. Documents that are not in English must be accompanied by an official English translation. ECFMG will not accept a copy of a medical diploma that is not in English without an official English translation. Likewise, ECFMG will not accept an English translation of a diploma without a copy of the original language document from which the English translation was prepared. See [English Translations](#) in *Medical Education Credentials*.

Do not submit professional evaluations of your final medical diploma. ECFMG does not accept such evaluations in lieu of your final medical diploma.

If you are submitting the copy of your medical diploma with an exam application, follow the instructions for additional documents in the exam application in ECFMG's IWA.

The name on your medical diploma must match **exactly** the name in your ECFMG record. If the name on your diploma does not match the name in your ECFMG record, you must submit documentation that **verifies** the name on your diploma is (or was) your name. See [Name on Medical Diploma and Transcript\(s\)](#) in *Medical Education Credentials*.

Final Medical School Transcript

When ECFMG requests verification of your medical diploma from your medical school, ECFMG will request the medical school to provide your final medical school transcript. If ECFMG is unable to obtain your final medical school transcript directly from your medical school, ECFMG will contact you and provide detailed instructions.

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Transcript(s) to Document Transferred Credits

If you have transferred credits to the medical school that awarded or will award your medical degree, you must document these credits when you apply for examination, regardless of when the credits were earned. You must send to ECFMG a copy of an official transcript issued by the school or institution at which the course was taken. You must submit the copy of your transcript to ECFMG via the MyECFMG mobile app or via mail or courier service.

If you are mailing a copy of the transcript, the photocopy **must be 216 mm x 279 mm (8½ in x 11 in)**. If the document is larger than 216 mm x 279 mm (8½ in x 11 in), you must send a reduced photocopy that is 216 mm x 279 mm (8½ in x 11 in).

You must submit the copy of the transcript in the original language. Documents that are not in English must be accompanied by an official English translation. ECFMG will not accept a copy of a transcript that is not in English without an official English translation. Likewise, ECFMG will not accept an English translation of a transcript without a copy of the original language document from which the English translation was prepared. See [English Translations](#) in *Medical Education Credentials*.

Do not submit professional evaluations of your transcript. ECFMG does not accept such evaluations in lieu of your transcript.

To submit the transcript to ECFMG, follow the instructions for additional documents in the exam application in ECFMG's IWA.

The name on your transcript(s) to document transferred credits must match **exactly** the name in your ECFMG record. If the name on your transcript does not match the name in your ECFMG record, you must submit documentation that **verifies** the name on your transcript is (or was) your name. See [Name on Medical Diploma and Transcript\(s\)](#) in *Medical Education Credentials*.

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Name on Medical Diploma and Transcript(s)

Your name as it appears on **all** credentials sent to ECFMG must be consistent.

The name on your medical diploma and transcript(s) must match **exactly** the name in your ECFMG record. If the names do not match exactly, you must submit documentation that **verifies** the name on your medical diploma/transcript(s) is (or was) your name. The documentation must show your name exactly as it appears on your medical diploma/transcript(s). See [Your Name](#) in *Your ECFMG Record* and [Verifying Your Name](#).

If the name on your credentials does not match the name in your ECFMG record and you do not submit acceptable documentation that verifies the name on your credentials is (or was) your name, your exam application will be rejected.

An example of a discrepancy that requires such verification would be if your ECFMG record lists your married name, but your medical diploma/transcript(s) lists your maiden name.

Other examples of discrepancies that require such verification include, but are not limited to, the following:

- Use of initials for the first name or last name (surname) on the medical diploma/transcript(s)
Example: “Mary Smith” in your ECFMG record, but “M. Smith” or “Mary S.” on your medical diploma/transcript(s).
- Difference in the sequence of names
Example: “Pravin Chandra Patel” in your ECFMG record, but “Pravin Patel Chandra” or “Chandra Pravin Patel” on your medical diploma/transcript(s).
- Hyphenations and separations in names
Example: “Alice Al Quigley” in your ECFMG record, but “Alice Al-Quigley” or “Alice Alquigley” on your medical diploma/transcript(s).

Verifying Your Name

If the name in your ECFMG record is correct but this name does not match **exactly** your name as listed on your medical diploma, transcript, or other credential, you must **verify** that the name on these documents is (or was) your name. To verify your name, submit to ECFMG a copy of one of the documents listed below that verifies the name on your medical diploma, transcript, or other credential. The name in your ECFMG record will not be changed if you are verifying your name.

For the purpose of verifying your name, the document(s) you may submit include:

- Passport (including the pages with your photograph and the expiration date)
- Birth certificate
- Marriage certificate
- Official court order
- U.S. Resident Alien Card
- U.S. Naturalization Certificate
- U.S. Passport Card (a one-page document that includes your photograph and the expiration date)

As an alternative to one of the documents listed above, ECFMG will accept for purposes of verifying your name a letter from an authorized official of your medical school that verifies that the name on your medical diploma, transcript, or other credential is (or was) your name. If you choose to submit a letter from your medical school to verify the name on your medical diploma, transcript, or other credential, the letter must be completed and signed by an authorized official of your medical school. Each medical school has been requested to provide ECFMG with a list of authorized officials. The letter you submit must be completed and signed by an official on this list. The official must provide his/her name, official title, and the institution name. The official must affix the institution's seal to the letter. The letter also must include the following statement:

This certifies that the names [name on document] and [name in ECFMG record] belong to one and the same person.

The document(s) you send must show your name exactly as it appears on your medical diploma/transcript.

See additional important information on documents below.

Important Information on Documents for Changing or Verifying Your Name

- Attestations and affidavits are **not** acceptable as documentation to change or verify your name.
- Please do not submit an original document; a copy of the document is sufficient.
- All documents submitted to change or verify your name that are not in English must be accompanied by an official English translation that meets ECFMG's translation requirements. See [English Translations](#) in *Medical Education Credentials*.
- All documents submitted to change or verify your name, including translations, will become a part of your permanent ECFMG record and will not be returned to you.

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English Translations

Any document submitted to ECFMG that is not in English must be accompanied by an English translation that meets ECFMG's translation requirements.

ECFMG strongly encourages you to obtain translations from its recommended translation service. Translations from this service meet ECFMG's requirements and will not be rejected due to translation errors. See the [Translation Service](#) page in the Resources section of the ECFMG website.

Translations from other services may not meet ECFMG's requirements. If you obtain a translation from another service, the translation must:

- be a word-for-word translation of the original language document. An abstract or summary translation of the document is not acceptable.
- be prepared from the original document or a photocopy of the original document. ECFMG will not accept a translation prepared from a transcription (transcribed version) of the document.
- be prepared by a government official (for example, a Consular Officer), medical school official (for example, a Dean or Registrar), or a professional translation service.
- include a statement from the government or medical school official or representative of the translation service certifying that the word-for-word translation is correct.
- bear the signature and title of the government or medical school official or representative of the translation service and, if there is one, the seal of the government official, medical school, or translation service.
- appear on letterhead. If the translation service is a private company, the letterhead must identify the company as a translation service.

An English language certificate issued by the medical school that is not a word-for-word English language version of the degree, transcript, or other document in the original language is not acceptable as a translation. English translations that do not meet the requirements above will not be accepted. Examples of unacceptable translations include, but are not limited to:

- translations prepared by a notary who is not a government or medical school official or representative of a professional translation service.
- a translation that was not signed by the translator or official or representative of the translation service, and
- a translation that is not a word-for-word translation of the original language document.

Additionally, applicants are not permitted to translate their own documents.

Documents submitted to ECFMG as part of the exam application and certification processes, including translations, will not be returned.

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[Medical Education Credential Requirements](#) | [Transfer Credits](#) | [Credentials for ECFMG Certification](#) | [Final Medical Diploma and Transcript](#) | [Transcript\(s\) to Document Transferred Credits](#) | [Name on Medical Diploma and Transcript\(s\)](#) | [English Translations](#) | Verification of Credentials

Verification of Credentials

ECFMG verifies every international medical graduate's final medical diploma with the appropriate officials of the medical school that issued the diploma and requests the medical school to provide the final medical school transcript. Verification by ECFMG with the issuing school may also be required for transcripts that are submitted to document transferred credits. You will not fulfill the ECFMG medical education credential requirements until verification of your final medical diploma, final medical school transcript, and, if required, transfer credit transcript(s) is received directly from the issuing school(s) and accepted by ECFMG.

In some instances, the verification process can be lengthy due to the processing time required by the institutions and, for verifications done by mail, prevailing postal conditions. ECFMG will notify you when your diploma has been sent to your medical school for verification. As part of the verification process, ECFMG also may provide the medical school with other documents, including a copy of your *Certification of Identification Form* (Form 186), to aid in identification. If ECFMG does not receive a response from your medical school, ECFMG will follow up with your medical school. ECFMG will notify you after receiving and evaluating the verification from your medical school. You can check the status of your medical education credentials on-line using [OASIS](#).

ECFMG reserves the right to reverify with the medical school the eligibility of medical school graduates who apply for examination. This may include reverification of the graduate's medical education credentials with the issuing medical school. If such reverification is requested by ECFMG, the graduate will be registered for examination only after ECFMG has received reverification of the graduate's credentials directly from the medical school. If reverification is requested by ECFMG after the graduate has been registered for examination, ECFMG may cancel the graduate's registration or withhold the graduate's score report until ECFMG has received reverification of the graduate's medical education credentials directly from the issuing school. If your registration is canceled, you may be required to reapply.

Important Notes: Applicants are responsible for any fees associated with the verification of the final medical diploma, final medical school transcript, and transcript(s)

to document transferred credits. If your medical school charges a fee for the verification of your diploma and/or transcript, ECFMG will advise you to contact your medical school directly regarding the fee and the method of payment.

If the final medical school transcript provided by your medical school is not in English or if an acceptable English translation is not provided by the medical school at the time of verification, ECFMG will have the transcript translated into English by an independent translation service, will charge your ECFMG financial account for the translation, and will notify you of the charge. ECFMG will not notify you before sending the document for translation. For information on the translation fee, see the [Fees](#) page in the Resources section of the ECFMG website. See [Methods of Payment](#) in *Your ECFMG Financial Account* for information on how to make a payment to your ECFMG financial account.

Last updated September 13, 2018.

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Related ECFMG Services

Confirming ECFMG Certification to Third Parties | [Electronic Residency Application Service \(ERAS\) Support Services](#) | [J-1 Visa Sponsorship](#) | [ECFMG Certificate Holders Office](#)

Confirming ECFMG Certification to Third Parties

ECFMG's Certification Verification Service (CVS) provides primary-source confirmation of the ECFMG certification status of international medical graduates. The Joint Commission, the organization that evaluates and accredits U.S. health care organizations and programs, has determined that direct verification with ECFMG of a physician's certification status satisfies The Joint Commission's requirement for primary-source verification of medical school completion for graduates of international medical schools.

ECFMG will confirm your certification status when a request is received from a U.S. medical licensing authority, residency program, hospital, or other organization that, in the judgment of ECFMG, has a legitimate interest in such information. For status reports sent to **medical licensing authorities**, the request can also be made by you. Requesting organizations must normally secure and retain your signed authorization to obtain certification information. Please note that there may be a fee for this service.

Requests for confirmation must contain your name, date of birth, USMLE/ECFMG Identification Number, and name and address of the organization to which the confirmation should be sent. To obtain the appropriate request form or to make an on-line request, visit the CVS section of the ECFMG website at www.ecfm.org/cvs. Confirmations are sent to the requesting organization within approximately two weeks. Confirmations are not sent to applicants directly.

If the requesting organization requests to receive a paper report but does not receive the report, ECFMG will honor requests for duplicate reports at no additional cost up to 90 days after the date that the original report was processed.

If you apply to residency programs through the Electronic Residency Application Service (ERAS), ECFMG will transmit an electronic ECFMG Status Report automatically to the ERAS application, where it can be accessed by all of the programs to which you apply. If your ECFMG certification status changes during the ERAS application season, ECFMG will transmit an updated status report automatically to the ERAS application, where it can be accessed by all of the programs to which you apply.

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Related ECFMG Services

[Confirming ECFMG Certification to Third Parties](#) | [Electronic Residency Application Service \(ERAS\) Support Services](#) | [J-1 Visa Sponsorship](#) | [ECFMG Certificate Holders Office](#)

Electronic Residency Application Service (ERAS®) Support Services

The Accreditation Council for Graduate Medical Education (ACGME) requires that international medical graduates who wish to enter ACGME-accredited graduate medical education programs in the United States be certified by ECFMG. ECFMG Certification does not, however, guarantee that an international medical graduate will be accepted into a graduate medical education program; the number of applicants for residency and fellowship programs each year exceeds the number of available positions.

The Association of American Medical Colleges (AAMC) established the Electronic Residency Application Service (ERAS) to allow medical students and graduates to apply electronically for residency positions in accredited U.S. programs of graduate medical education. Most U.S. graduate medical education programs participate in ERAS. If you apply to participating programs, you must submit your residency application using ERAS.

Since ERAS was established, ECFMG has served as the designated Dean's office for students and graduates of international medical schools, assisting these individuals with the ERAS application process for first- and second-year (PGY-1 and PGY-2) residency positions.

International medical students and graduates who apply to programs that participate in ERAS must request an ERAS Token, a unique identification number, from ECFMG. The Token allows applicants to access AAMC's MyERAS website, where they can complete their residency application, select the programs to which they will apply, and assign supporting documents to these programs.

As the designated Dean's office, ECFMG receives supporting documents for the ERAS application, such as medical student performance evaluations (MSPEs), medical school transcripts, and photographs from applicants and their medical schools. ECFMG then transmits these documents to the ERAS application. ECFMG also transmits to the ERAS application the applicant's ECFMG Status Report, which includes the applicant's ECFMG certification status and, if requested by the applicant, his/her USMLE transcript. Once supporting documents have been received by the ERAS application, they can be accessed by the programs to which the applicant has applied.

For detailed, up-to-date information on ERAS Support Services at ECFMG, visit the ERAS section of the ECFMG website at www.ecfm.org/eras.

Important Note About U.S. State Medical Licensure Requirements: In the United States, medical licensure requirements vary by individual state medical licensing authorities. You should be aware that:

- A training or restricted license may be required to participate in programs of graduate medical education. Participants in graduate medical education programs may also be required to obtain an unrestricted medical license by a certain point in their training in order to progress in the program.
- Some states have established additional criteria with respect to international medical schools for the purpose of eligibility for licensure. When you plan to apply to residency programs, consult the state's medical licensing board to determine if graduates of your medical school are eligible for licensure in that state.
- If you are certified by ECFMG based on **former** medical science exams (such as the Visa Qualifying Examination [VQE] or the Foreign Medical Graduate Examination in the Medical Sciences [FMGEMS]), you should be aware that these exams may not be acceptable for the purpose of eligibility for a training license.

ECFMG does not create or control the medical licensure requirements for any jurisdiction and does not create or control the eligibility requirements for any graduate medical education program. Additionally, ERAS does not preclude any students or graduates from participating in ERAS, based on their eligibility for licensure. Before applying to residency programs in a given state, it is your responsibility to become familiar with that state's licensure requirements and to ensure that you meet any licensure requirements to enter and complete residency training in that state. For a directory of U.S. state medical licensing authorities, visit the [Federation of State Medical Boards website](http://www.federationofstatemedicalboards.org).

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Related ECFMG Services

[Confirming ECFMG Certification to Third Parties](#) | [Electronic Residency Application Service \(ERAS\) Support Services](#) | [J-1 Visa Sponsorship](#) | [ECFMG Certificate Holders Office](#)

J-1 Visa Sponsorship

Foreign national physicians who seek entry into U.S. programs of graduate medical education or training must obtain an appropriate visa that permits clinical training activities. One visa commonly used by foreign national physicians is the J-1, a temporary nonimmigrant visa reserved for participants in the Exchange Visitor Program. As a public diplomacy initiative of the U.S. Department of State, the Exchange Visitor Program was established to enhance international educational and cultural exchange between the people of the United States and other nations. In keeping with the program's goals for international education, exchange visitor (J-1) physicians are required to return home for at least two years following their training before being eligible for certain U.S. visas.

The U.S. Department of State has designated ECFMG as the visa sponsor for all exchange visitor (J-1) physicians who participate in clinical training programs. ECFMG sponsorship is also available for physicians' eligible dependents. As the visa sponsor, ECFMG processes applications for J-1 visa sponsorship and, for eligible applicants, issues a document that the applicant can use to apply for the J-1 visa. ECFMG is responsible for ensuring that exchange visitor (J-1) physicians and host institutions meet the federal requirements for participation throughout the duration of sponsorship. ECFMG does not sponsor physicians for other U.S. visa types.

All initial applicants for ECFMG J-1 sponsorship are advised that sponsorship eligibility should not be presumed and cannot be determined until a complete review of an individual's U.S. visa history has been conducted.

For detailed, up-to-date information on J-1 visa sponsorship by ECFMG, visit the Exchange Visitor Sponsorship Program (EVSP) section of the ECFMG website at www.ecfm.org/evsp.

Important Note: Foreign national physicians who are international medical graduates and are seeking ECFMG J-1 visa sponsorship to enroll in graduate medical education programs must, among other requirements, have passed USMLE Step 1 and Step 2 CK; or the former Visa Qualifying Examination (VQE), National Board of Medical Examiners (NBME) Part 1 and Part 2, or Foreign Medical Graduate Examination in the Medical Sciences (FMGEMS) examinations; or an acceptable combination thereof. The former

one-day ECFMG Examination and three-day Federation Licensing Examination (FLEX) do **not** meet the requirements for J-1 visa sponsorship.

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Related ECFMG Services

[Confirming ECFMG Certification to Third Parties](#) | [Electronic Residency Application Service \(ERAS\)](#) | [Support Services](#) | [J-1 Visa Sponsorship](#) | ECFMG Certificate Holders Office

ECFMG Certificate Holders Office

The ECFMG Certificate Holders Office (ECHOSM) provides career planning resources for physicians pursuing ECFMG Certification and graduate medical education (GME) in the United States.

Be connected.

Use ECHO to stay connected with ECFMG and its expertise, programs, and services for international physicians. ECHO also provides connections to information from other organizations and experts. Through ECHO's IMG Advisors Network (IAN), you also can connect with ECFMG-certified physicians to ask questions about U.S. GME and about living and working in the United States. [Subscribe](#) to *ECHO News*, a free e-newsletter, to receive updates on resources, important deadlines, and more.

Be heard.

Your ideas are important to us. Let us know what you think about ECHO — what you like, what you don't like, what you want to see more of, what we can do to make ECHO a better resource for ECFMG-certified physicians. Contact ECHO using our [feedback](#) form.

Be informed.

Successfully navigating the application process for U.S. GME can be difficult. You need to interact with multiple organizations, each with its own roles, requirements, processes, and deadlines. ECHO provides resources that you can use when applying to U.S. GME programs as well as resources that address the practical challenges of relocating to the United States and adjusting to the U.S. GME and health care systems.

For more information, visit the ECHO section of the ECFMG website at www.ecfmg.org/echo.

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Appendix J

University of Science, Arts & Technology (USAT), Montserrat *Not Accredited*

June 2012 Determination: *Not Accredited*

Following the submission of documents to the CAAM-HP – unsolicited – and a request for accreditation, a visit was carried out in October 2011. Team members were:

1. Professor Renn Holness
2. Dr. Rhonda Sealey-Thomas

Decision: The CAAM-HP at its meeting held June 22-23, 2012 received and considered the report of reviewers Professor Renn Holness and Dr Rhonda Sealey-Thomas on the site visit of October 7, 2011 to the campus of the University of Science, Arts and Technology (USAT) in Montserrat.

Following discussions of the reviewers' report CAAM-HP determined that the school had not provided sufficient evidence to indicate that teaching activities were actually taking place in Montserrat. Furthermore, CAAM-HP's requirements for adequate resources had not been satisfied. Consequently, CAAM-HP determined that there was not sufficient evidence to merit reversal of its initial decision of May 2007 not to grant initial provisional accreditation to USAT.

February 2007 Determination: *Not Accredited*

Application for initial provisional accreditation was received from the University of Science, Arts and Technology (USAT) for the establishment of an offshore medical school on the island of Montserrat. In February 2007, a review was done by the following persons:

1. Dr. David Hawkins
2. Dr. George Mahy
3. Professor Phyllis Pitt-Miller

Decision: The CAAM-HP after examination of the reports determined that it could not grant provisional accreditation for the programme as presented.

2018 University of Science, Arts and Technology
LECTURE CONFERENCE SCHEDULE

2018	Su	M	T	W	Th	F	Sa	Su	M	T	W	Th	F	Sa	Su	M	T	W
Jan		1	2	3	4	5	6	7	8	9	10	*11t	*12t	*13t	*14t	15	16	17
Feb					1	2	3	4	5	6	7	8t	9t	10t	11t	12	13	14
Mar					1	2	3	4	5	6	7	8t	9t	10t	11t	12	13	14
Apr	1	2	3	4	5	6	7	8	9	10	11	12t	13t	14t	15t	16	17	18
May			1	2	3	4	5	6	7	8	9	10t	11t	12t	13t	14	15	16
Jun						1	2	3	4	5	6	7t	8t	9t	10t	11	12	13
Jul	1	2	3	4	5	6	7	8	9	10	11	12t	13t	14t	15t	16	17	18
Aug				1	2	3	4	5	6	7	8	9t	10t	11t	12t	13	14	15
Sep								1	2	3	4	*5t	*6t	*7t	*8t	*9t	10	11
Oct		1	2	3	4t	5t	6t	7t	8	9	10	11m	12m	13m	14m	15m	16m	17
Nov					1t	2t	3t	4t	5	6	7	8m	9m	10m	11m	12	13	14
Dec					Nov-30t	1t	2t	3	4	5	6	7m	8m	9m	10	11	12	13

DALLAS
GRADUATION IN MIAMI

MIAMI

TAMPA

MUST SIGN-UP AND PREPAY
FOR ANATOMY LAB

Dallas, TX Location = d
Hilton Garden DFW North
205 W. State Hwy 114
Grapevine, TX 76051
Reservations: 817-421-1172

Miami, FL Location = m
Hilton Garden Miami Airport West Doral
3550 NW 74th Avenue
Miami, FL 33122
Reservations: 305-629-7701

Tampa, FL Location = t
DoubleTree Tampa Airport Westshore
4500 West Cypress Street
Tampa, FL 33607
Reservations: 813-879-4800

The Tampa site in January will be at the Hilton Westshore 2225 N. Lois Ave (813)877-6688
There is NO Anatomy Lab in May
The Tampa site in September will be at the Hilton Westshore 2225 N. Lois Ave (813)877-6688

Class times are: Thursday 1300 - 1800 / Friday 0800 - 1800 / Saturday 0800 - 1800 (testing from 0900-1000) / Sunday 0800 - 1800

Appendix 5

From: REDACTED

Sent: Wednesday, August 08, 2018 3:32 PM

To: Info

Subject: Medical School in Montserrat

External Email. Please Proceed with Caution.

Dear Sirs

I have been in contact with USAT a medical university in Montserrat that is currently conducting classes in Miami. I have been told that USAT is approved to hold classes in Miami because of the volcano in Montserrat. I would like something in writing from the ECFMG that states my son will be eligible to take the USMLE exams if he attends USAT in Miami.

Regards

REDACTED

Appendix 1

From: Ostwalt, Cally [<mailto:Cally.Ostwalt@fldoe.org>]
Sent: Tuesday, August 14, 2018 11:12 AM
To: Mealey, Scott
Cc: Collins, Sara <Sara.Collins@fldoe.org>
Subject: RE: question about foreign medical schools having a US campus in FL

External Email. Please Proceed with Caution.

Hello Mr. Mealey,

The matter has been brought to CIE's attention. I am including Mrs. Sara Collins on this e-mail as Mrs. Collins is the primary contact regarding foreign medical schools/clinical clerkships in Florida. She is aware of the concern and is continuing to address the matter. Please direct any further questions to her attention.

Regards,

Cally Ostwalt

Program Specialist IV
Commission for Independent Education
P: 850.245.3200
F: 850.245.3233
E: cally.ostwalt@fldoe.org



Please note that Florida has a very broad public records law. Most written communications to or from state officials are public records available to the public and media upon request.

From: Mealey, Scott [<mailto:SMealey@ECFMG.org>]
Sent: Tuesday, August 14, 2018 8:00 AM
To: Ostwalt, Cally <Cally.Ostwalt@fldoe.org>
Subject: RE: question about foreign medical schools having a US campus in FL

Ms. Ostwalt – I am wondering if I should forward this matter to the U.S. Department of Education. We are still hearing from parents of USAT students that the school is telling them USAT is approved to hold classes in Miami because of the volcano in Montserrat many years ago. I know of no such authorization.

Please let me know the status.

Best regards,

D. Scott Mealey, CPMSM, CPCS
Manager
Medical Education Resources & Operations Support

Educational Commission for Foreign Medical Graduates



3624 Market Street
Philadelphia, PA, USA 19104
(T) 001-215-823-2285
(F) 001-215-386-9767
SMealey@ECFMG.org

From: Ostwalt, Cally [<mailto:Cally.Ostwalt@fldoe.org>]
Sent: Monday, August 14, 2017 11:52 AM
To: Mealey, Scott
Subject: RE: question about foreign medical schools having a US campus in FL

This Email originated from an external sender. Please proceed with caution opening any attachments and clicking on any links.

Mr. Mealey,

Thank you for bringing the operations of USAT to CIE's attention. This matter is being looked into by the Commission for any violation of Florida law.

Cally Ostwalt

Program Specialist IV
Commission for Independent Education
P: 850.245.3200
F: 850.245.3233
E: cally.ostwalt@fldoe.org



Please note that Florida has a very broad public records law. Most written communications to or from state officials are public records available to the public and media upon request.

From: Mealey, Scott [<mailto:SMealey@ECFMG.org>]
Sent: Monday, August 14, 2017 10:47 AM
To: Ostwalt, Cally <Cally.Ostwalt@fldoe.org>
Subject: RE: question about foreign medical schools having a US campus in FL

Hello Ms. Ostwalt – any update?

From: Ostwalt, Cally [<mailto:Cally.Ostwalt@fldoe.org>]
Sent: Monday, July 31, 2017 10:12 AM
To: Mealey, Scott
Subject: RE: question about foreign medical schools having a US campus in FL

This Email originated from an external sender. Please proceed with caution opening any attachments and clicking on any links.

Mr. Mealey,

I will need to discuss this with my supervisor. He is out of the office until next week. However, I will get back to you once I am able to speak with him.

Cally Ostwalt

Program Specialist IV
Commission for Independent Education
P: 850.245.3200
F: 850.245.3233
E: cally.ostwalt@fldoe.org



Please note that Florida has a very broad public records law. Most written communications to or from state officials are public records available to the public and media upon request.

From: Mealey, Scott [<mailto:SMealey@ECFMG.org>]
Sent: Thursday, July 20, 2017 9:36 AM
To: Ostwalt, Cally <Cally.Ostwalt@fldoe.org>
Subject: RE: question about foreign medical schools having a US campus in FL

We are not sure what the operations are; that is what we thought should be investigated if such a thing is not allowed. We think USAT is exploiting a loophole and stating the main campus is in Montserrat, when the vast majority of their operations (classes, graduations) are in FL.

From: Ostwalt, Cally [<mailto:Cally.Ostwalt@fldoe.org>]
Sent: Monday, July 17, 2017 8:54 AM
To: Mealey, Scott
Subject: RE: question about foreign medical schools having a US campus in FL

This Email originated from an external sender. Please proceed with caution opening any attachments and clicking on any links.

Mr. Mealey,

Please elaborate on "satellite campuses". In order to answer any questions you may have, I need clarification on what the operations in Florida are/would be.

Cally Ostwalt

Program Specialist IV
Commission for Independent Education
P: 850.245.3200
F: 850.245.3233
E: cally.ostwalt@fldoe.org



Please note that Florida has a very broad public records law. Most written communications to or from state officials are public records available to the public and media upon request.

From: Mealey, Scott [<mailto:SMealey@ECFMG.org>]
Sent: Monday, July 17, 2017 8:44 AM
To: Ostwalt, Cally <Cally.Ostwalt@fldoe.org>
Subject: RE: question about foreign medical schools having a US campus in FL

Hi Ms. Ostwalt,

The school in question does not list an actual address in FL on their website. I did however find a business license and address from the DOS website. The school's website mentions they have US satellite campuses, and videos posted on their website and youtube show classes and graduation ceremonies at the Intercontinental hotel in Miami.

The school is the University of Science, Arts & Technology (USAT) from Montserrat. Thanks for looking into this.

Scott

From: Ostwalt, Cally [<mailto:Cally.Ostwalt@fldoe.org>]
Sent: Monday, July 17, 2017 8:29 AM
To: Mealey, Scott
Subject: RE: question about foreign medical schools having a US campus in FL

This Email originated from an external sender. Please proceed with caution opening any attachments and clicking on any links.

Good Morning Mr. Mealey,

This e-mail is in response to your inquiring regarding having a satellite campus in Florida. Where is the school currently located? Can you provide more information on the institution's

proposed operations for Florida? Is the institution planning to enroll students from Florida? Will there be any classrooms, programs offered, administrative functions, etc. at this proposed location? Please elaborate.

Thank you,

Cally Ostwalt

Program Specialist IV
Commission for Independent Education
P: 850.245.3200
F: 850.245.3233
E: cally.ostwalt@fldoe.org



Please note that Florida has a very broad public records law. Most written communications to or from state officials are public records available to the public and media upon request.

From: Mealey, Scott <SMealey@ECFMG.org>
Sent: Thursday, July 13, 2017 3:48:26 PM
To: Smith, Joey
Subject: question about foreign medical schools having a US campus in FL

Hello Mr. Smith,

We are inquiring if it were possible for a foreign medical school to have a US satellite campus in FL? If so, would they need to be licensed in some manner? and how would that work?

Thank you for any information you can provide.

Best regards,

Scott
D. Scott Mealey, CPMSM, CPCS
Manager
Medical Education Resources & Operations Support
Educational Commission for Foreign Medical Graduates



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(F) 001-215-386-9767
SMealey@ECFMG.org

Appendix 6



EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES

3624 Market Street
Philadelphia PA 19104-2685 USA
215-386-5900 | 215-386-9767 Fax
www.ecfm.org

August 21, 2018

VIA EMAIL: usat.edu@gmail.com

Orien Tulp, President
University of Science, Arts & Technology (USAT) Faculty of Medicine
Main Campus
S. Mayfield Estate Drive
Olveston, MONTSERRAT

Dear Dr. Tulp,

It has recently come to the attention of the Educational Commission for Foreign Medical Graduates (ECFMG) that USAT in Montserrat is operating a satellite (or branch) campus in Miami, Florida.

In order for students and graduates of an international medical school, such as USAT, to have eligibility to apply for ECFMG Certification, ECFMG policy requires confirmation from the appropriate government authority in the branch campus country that the branch campus is authorized to operate as a medical school in such branch campus country.

In light of this, ECFMG requests that USAT provide documentation from the United States Department of Education and/or the Florida Department of Education confirming that USAT's Miami branch campus is authorized to operate as a medical school in the United States. This documentation should cover the whole time period that the USAT Miami branch campus has been in operation.

Thank you in advance for your assistance with this inquiry. Please provide this documentation by September 3, 2018. Feel free to contact me at smealey@ecfm.org should you have any questions.

Best Regards,

A handwritten signature in black ink that reads "D. Scott Mealey". The signature is written in a cursive, flowing style.

D. Scott Mealey, CPCS, CPMSM
Manager, Medical Education Resources & Operations Support

ECFMG® is an organization committed to promoting excellence in international medical education.

Appendix E

From: Orien Tulp [<mailto:o.tulp@usat.edu>]
Sent: Tuesday, August 21, 2018 11:01 AM
To: Mealey, Scott; Carla Konyk - Director/Student Accounts
Subject: Re: ECFMG notice regarding U.S. satellite campus

External Email. Please Proceed with Caution.

Dear Mr Mealey

This is incorrect information. The Miami location is an information and testing site only, where a pre-usmle examination [an NBME] may administered, and an Orientation for new students is conducted prior to their traveling to the Caribbean.. It is NOT a campus. Our ONLY Campus is located in Olveston, Montserrat, British West Indies. .

Actually, recall that Montserrat is a volcanic Island, and the license issued to USAT in September, 2003 DOES actually permit the establishment of off-campus lecture and administrative sites as needed. USAT has students on island on a year round basis since its origination.

I hope this will clarify your concern.

Kindest Regards,

Orien L Tulp, PhD, MD, FACN, CNS
Professor and President
USAT Motserrat

Orien L Tulp, PhD, MD, FACN, CNS
Professor and President
USAT Montserrat
www.usat.edu
Cell: 727-252-6210

On Tue, Aug 21, 2018 at 6:13 AM, Mealey, Scott <SMealey@ecfmg.org> wrote:

Dr. Tulp,

Please see the attached letter regarding the USAT U.S. satellite campus.

Best regards,

D. Scott Mealey, CPMSM, CPCS
Manager
Medical Education Resources & Operations Support
Educational Commission for Foreign Medical Graduates



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This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd.**

From: REDACTED
Sent: Wednesday, August 22, 2018 11:33 AM
To: Mealey, Scott
Subject: Re: RE: FW: REDACTED

External Email. Please Proceed with Caution.

Hello Scott,
Here is the latest release from the President of USAT:

<carla.konyk@gmail.com>

Please do NOT use the phrase "CAMPUS" WHEN REFERRING TO THE US SITES, as that implies approval from the US Dept of Education or the State Dept of Education which isn't possible or likely as an Interntional Medical School. Someone reported to the ECFMG that we have a Miami Campus. It is an administrative site, where we do interviews, orientations, and pre-USMLE proctored examinations.

Orien L Tulp, PhD, MD, FACN, CNS
Professor and President
USAT Montserrat
www.usat.edu
Cell: 727-252-6210

They refer to all the sites as campuses (Tampa, Miami and Dallas). These are called lecture sites where students attend from Thursday - Sunday. I would also like to mail you a package if I could please get your information.

REDACTED

Appendix G



EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES

3624 Market Street
Philadelphia PA 19104-2685 USA
215-386-5900 | 215-386-9767 Fax
www.ecfm.org

VIA E-MAIL: usat.edu@gmail.com

September 14, 2018

Orien Lee Tulp, PhD, CNS
President and Dean of Academic Affairs
University of Science, Arts & Technology (USAT) Faculty of Medicine
Main Campus
S. Mayfield Estate Drive
Olveston
MONTSERRAT

Dear Dr. Tulp:

This is a follow-up to our August 21, 2018 letter in which ECFMG requested information from you about the University of Science, Arts & Technology (USAT) Faculty of Medicine's satellite (or branch) campus in Miami, FL. In response, you indicated, "The Miami location is an information and testing site only, where a pre-usmle examination [an NBME] may administered, and an Orientation for new students is conducted prior to their traveling to the Caribbean. It is NOT a campus. Our ONLY Campus is located in Olveston, Montserrat, British West Indies." We thank you for your quick reply.

ECFMG has since received information that USAT is providing medical education lectures not only at its Miami site, but also at sites in Tampa, FL, and Dallas, TX.

It is critical that ECFMG ensure that information regarding international medical schools and their students provided to ECFMG complies with ECFMG policies and requirements. Therefore, ECFMG continues its review of this matter. This letter is to advise you that, as part of its review, ECFMG has reached out to students and graduates of USAT in order to collect information from them regarding their attendance at USAT.

Effective today, USAT students and graduates seeking services related to ECFMG Certification, including registration for USMLE examinations, release of USMLE scores, issuance of an ECFMG Certificate, or issuance of ECFMG Certification Status Reports to residency programs, must complete and submit an affidavit attesting to the accuracy of the medical school information provided to ECFMG. Services will not be provided to individuals who do not complete the affidavit. ECFMG has provided instructions about this process directly to the students and graduates.

Should your students and graduates approach you with questions about this process, please advise them to contact ECFMG directly.

Sincerely,

A handwritten signature in blue ink that reads "K. Corrado".

Ms. Kara Corrado, J.D.
Vice President for Operations

ECFMG® is an organization committed to promoting excellence in international medical education.

From: Mealey, Scott <SMealey@ECFMG.org>
Sent: Thursday, April 18, 2019 9:53 AM
To: Corrado, Kara
Subject: FW: Privileged and Confidential - Draft ECFMG Sponsor Note for USAT

Email chain below

From: Mealey, Scott
Sent: Monday, September 24, 2018 8:24 AM
To: Bede, Carole
Subject: RE: Privileged and Confidential - Draft ECFMG Sponsor Note for USAT

Thanks!

From: Bede, Carole
Sent: Monday, September 24, 2018 8:23 AM
To: Mealey, Scott
Subject: RE: Privileged and Confidential - Draft ECFMG Sponsor Note for USAT

Fixed. I had put a period after the HTML code

Best Regards,

Carole Bede

Ms. Carole Bede
Regional Coordinator, Medical Education Resources



Educational Commission for Foreign Medical Graduates
3624 Market Street
Philadelphia, PA 19104
USA
Email: cbede@ecfm.org

From: Mealey, Scott
Sent: Friday, September 21, 2018 5:52 PM
To: Bede, Carole
Subject: FW: Privileged and Confidential - Draft ECFMG Sponsor Note for USAT

I missed the extra black period at the very end.

From: Mealey, Scott
Sent: Friday, September 21, 2018 4:17 PM
To: Bede, Carole
Subject: RE: Privileged and Confidential - Draft ECFMG Sponsor Note for USAT

Proceed. Thanks!

From: Bede, Carole
Sent: Friday, September 21, 2018 4:16 PM
To: Mealey, Scott
Subject: RE: Privileged and Confidential - Draft ECFMG Sponsor Note for USAT

Screen print for approval:

Sponsor Notes

The information below has been provided by the World Directory's sponsoring organizations.

Educational Commission for Foreign Medical Graduates (ECFMG), United States of America

- Students and graduates of this medical school are eligible to apply to ECFMG for ECFMG Certification examination, provided that:
 - For medical school students officially enrolled in this school, the graduation years are listed "current".
 - For graduates of this medical school, their graduation year is included in the graduation year.

Graduation Years:
2003 - Current

- All other eligibility requirements are met. Refer to the [ECFMG Information Booklet](#) for details.
- Currently, students and graduates of USAT are subject to enhanced procedures that must be followed in order to be eligible to apply for ECFMG Certification related services, including but not limited to ECFMG Certification, USMLE examinations that lead to ECFMG Certification, and Electronic Application Service (ERAS®) Support Services. ECFMG will provide information and instructions to applicants upon receipt of application..**

Best Regards,

Carole Bede

Ms. Carole Bede
 Regional Coordinator, Medical Education Resources



Educational Commission for Foreign Medical Graduates
 3624 Market Street
 Philadelphia, PA 19104
 USA
 Email: cbede@ecfm.org

From: Mealey, Scott
Sent: Friday, September 21, 2018 4:10 PM

To: Bede, Carole

Subject: FW: Privileged and Confidential - Draft ECFMG Sponsor Note for USAT

Carole – can you add this in Red/bold to USAT’s sponsor note?

Currently, students and graduates of USAT are subject to enhanced procedures that must be met in order to be eligible to apply for ECFMG Certification related services, including but not limited to: ECFMG Certification, USMLE examinations that lead to ECFMG Certification, and Electronic Residency Application Service (ERAS®) Support Services. ECFMG will provide information and instructions to applicants upon receipt of application.

From: Katz, Francine

Sent: Friday, September 21, 2018 2:41 PM

To: Corrado, Kara

Cc: Cover, Lisa; Mealey, Scott

Subject: RE: Privileged and Confidential - Draft ECFMG Sponsor Note for USAT

PRIVILEGED

From: Corrado, Kara

Sent: Friday, September 21, 2018 2:33 PM

To: Katz, Francine

Cc: Cover, Lisa; Mealey, Scott

Subject: Privileged and Confidential - Draft ECFMG Sponsor Note for USAT

PRIVILEGED

PRIVILEGED

Sponsor Notes

The information below has been provided by the World Directory's sponsoring organizations.

Educational Commission for Foreign Medical Graduates (ECFMG), United States of America

- Students and graduates of this medical school are eligible to apply to ECFMG for ECFMG Certification and for examination, provided that:
 - For medical school students officially enrolled in this school, the graduation years are listed below as "current".
 - For graduates of this medical school, their graduation year is included in the graduation years listed below.

Graduation Years:

2003 - Current
 - All other eligibility requirements are met. Refer to the [ECFMG Information Booklet](#) for detailed information.
- **Currently, students and graduates of USAT are subject to enhanced procedures that must be met in order to be eligible to apply for ECFMG Certification related services, including but not limited to: ECFMG Certification, USMLE examinations that lead to ECFMG Certification, and Electronic Residency Application Service (ERAS®) Support Services. ECFMG will provide information and instructions to applicants upon receipt of application..**

Appendix M

Tommy Swate
Attorney at Law
403 Wild Plum
Houston, Texas 77013
713-377-4860
swatemd@aol.com

September 15, 2018

Ms. Kara Corrado, J.D.
Vice President of Operations
Education Commission for Foreign Medical Graduates
3624 Market Street
Philadelphia, PA 19104-2685

Re: Letter of September 14, 2018

Dear Ms. Corrado:

I will be representing the University of Science, Art and Technology College of Medicine (USAT) regarding your September 14, 2018 letter. The letter appeared to terminate USAT's recognition by ECFMG's as a medical school. The letter has caused confusion and great anxiety for USAT's because the administration does not know how to advise its past students, present students and future students regarding ECFMG's policy regarding reporting test results, allowing test applications and the effect of ECFMG's policy on licensure, past and present. Would you please clarify ECFMG's position regarding the recognition of USAT as a medical school? Particularly, please clarify the effect of your September 14, 2018 letter on six groups of previous, current and future students:

1. Past students that have passed all three USMLE step examinations and are licensed by a United States Medical Board,
2. Past students that have past all three examinations and are seeking residencies,
3. Past students that have passed all three examinations and are currently in a residency program,
4. Present students who have taken some but not all of the USMLE Step tests,

5. Present students who have not applied to take the USMLE Step tests, but anticipate applying to take the examinations,
6. Potential students that may enrolled at USAT.

The administration of USAT had a good faith belief that USAT was in full compliance with ECFMG's recognition requirements based on the following facts. The University of Science, Arts and Technology College of Medicine, is an institution granted full recognition by the Government of Montserrat, a British Overseas Territory, on September 26, 2003 to provide medical education and grant the M.D. degree. USAT is legally authorized under Montserrat law to provide a medical education program. As a result of this legal authorization, USAT is included in the International Medical Directory (the "IMED" list) in the USA, CAPER(Canada) and WDOMS. Accordingly, students and graduates of the University may apply for and sit for all components of the United States Licensing Examination (USMLE, Steps I, II, and III).

IMED listing is required for ECFMG certification. IMED listing and recognition determination is not a part of the ECFMG's mandate. IMED requires in order to be listed and the school's students being eligible to take the USMLE examinations that USAT be recognized in the country where USAT is located. Accreditation is not required. USAT is recognized by the Montserrat's government, and graduates of USAT MD program have met the requirements for Montserrat medical registration.

As a recognized school, USAT is granted authority by the Montserrat's government to deliver an educational program and grant allowed degrees. Recognition is different from accreditation in that accreditation is a process of quality assurance. The Caribbean Accreditation Authority for Education in Medicine and other Health Professions (CAAM-HP) accreditation will be mandatory beginning in 2023.

Until 2023 USAT is only required to be recognized in order for its students to be allowed to take the USMLE Step I, Step II, and Step III examinations. USAT is Institutionally accredited in the United Kingdom by the Accreditation System for International Schools, Colleges and Universities [ASIC-UK] in their division of International Institutions. Montserrat is a dependent UK overseas territory.

As part of the agreement between the Government of Montserrat and USAT, USAT agrees to maintain operations in Montserrat unless natural

disasters arise. If a natural disaster arises USAT is allowed to relocate to an area of convenience and safety. USAT's student safety is the prior concern of any school's administration. The right to relocate to a safe location does not affect recognition as granted to USAT by the Government of Montserrat. Montserrat government's licensing agreement Paragraph 8.13 allows USAT to move classes off shore in the event of a natural disaster. A volcanic eruption is a natural disaster.

Montserrat's Licensing Agreement Paragraph 8.13 was invoked when the *Soufriere* Hills Volcano on Montserrat started producing volcanic ash as a result of pyroclastic flows. The volcanic ash that results from pyroclastic flows produces a serious threat to human and animal health, and has cost numerous lives. American University of the Caribbean [AUC] was able to relocate due to volcanic activity in 1996, and to date has not returned to Montserrat. As a result of the volcanic hazard USAT has been forced to conduct classes outside of Montserrat, almost entirely due to a development of a state-of-the-art online option that protects students from harm's way.

The ECFMG has allowed other Caribbean medical school to locate their classes away from the original accredited site without obtaining a license for the alternative site. Ross University School of Medicine was allowed to relocate to a cruise ship off the island of St. Kitts due to a natural disaster, and now to a campus in the state of Tennessee. The ECFMG allowed Ross to established a temporary campus off St. Kitts's shores and in the USA. The online option developed by USAT does not require a fixed US campus.

The arbitrary withholding of USAT's students test scores or refusing permission for USAT's student to take the USMLE examinations is in effect allowing the ECFMG to act as an accrediting body. The ECFMG does not have authority to accredit medical schools. The only authority ECFMG has is to determine if a medical school is recognized.

USAT meets the recognition requirement. Very few Caribbean medical schools have been accredited by CAAM-HP to date, *the only body that accredits Caribbean medical schools*. CAAM-HP Accreditation is not mandatory until 2023. Not all Caribbean jurisdictions have accepted the CAAM-HP as an accrediting body to date, *and* Montserrat only accepted the CAAM-HP in 2018.

USAT has established a record that is the envy of both offshore and United States Medical school in the percentage of USAT students passing the various examinations on the first attempt. Over ninety percent of USAT student have passed all examinations on the first attempt. USAT graduates have been very successful in obtaining residencies and completing residencies. USAT graduates have established successful medical practices servicing United States citizens. If the ECFMG testing procedure is valid, USAT teaching programs are valid as measured by USMLE tests. The USAT's student results are a measure of the quality of USAT's teaching programs.

USAT test results provides assurances that USAT graduates exhibit general professional competencies that are appropriate for participating in United States post graduate medical programs. USAT student performance on both formal tests and residency programs demonstrate that USAT education program provides students with a solid foundation for proficient medical care. Indeed, some USAT graduates have become medical faculty members at United States Medical Schools.

The only possible ECFMG complaint is not the quality of USAT's program, but appears to be the definition of "recognition". USAT students and graduates have no knowledge of the definition of "recognition". Fairness and justice are not served by punishing innocent parties when there is a legitimate dispute over interpretation of recognition status. Neither USAT medical students nor USAT's administration had a "reason to know" or "should have known" the ECFMG's position on "recognition", which appears to have not have changed over the past 15 years. USAT has been licensed and operating successfully for the past 15 years without a blemish.

Prior to a right or property being taken from USAT there is a fundamental requirement of due process or in the alternative enforceable contract terms. Fundamental fairness requires either "due process" or "contract enforcement". Adequate notice and an opportunity to be heard before a fair and impartial hearing body is required before ECFMG can take USAT valuable recognition right or USAT students' rights to have ECFMG open the gateway to United States licensing and training. In order for the ECFMG to effectively deny USAT recognition, ECFMG's decision must be conducted by a fair decision-making body following defined rules. Fairness requires internal separation between advocate and decisions makers to preserve neutrality.

The essence of due process is a requirement that USAT be given the reason for the ECFMG's decision regarding recognition or non-recognition and an opportunity to defend its students, if necessary. Ex-parte communication by unknown USAT employees and unknown administrative procedures leads to property deprivation without a fair hearing. The ECFMG is asked not to *utilize* ex-parte evidence and unknown rules and procedures to take away valuable rights. USAT has a fundamental right to know what evidence is being used to deny it recognition as a medical school and what procedures are used to make the recognition determination.

It is well settled United States law that a medical license is property that cannot be taken without due process. USAT's right to operate a medical school is a valuable property right, also. Operation as a medical school is a property right that is essentially being taken away without operation of law. If USAT students cannot be admitted to licensing examinations which entry is controlled by the ECFMG then the valuable right to operate as a medical school has been denied USAT.

On behalf of USAT I request that the ECFMG reassure USAT students and graduates attending USAT prior to September 14, 2018, that they will not be penalized for attending USAT under a good faith belief that the school was recognized and allowed to conduct classes in locations other than Montserrat *for 15 years* without incident prior to the current issue. If the ECFMG has concerns about the location or format of classes, USAT is requesting the opportunity to address any concerns and remedy any agreed deficiencies. Plus, USAT requests the ECFMG to state its position on students enrolled after September 14, 2018? A response prior to October 31, 2018 would be greatly appreciated so that USAT's students can be properly advised based on the ECFMG's position?

Yours truly,



Tommy Swate



EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES

Appendix 11

3624 Market Street
Philadelphia, PA 19104-2685 USA
215-386-5900 | 215-386-9767 Fax
www.ecfm.org

October 18, 2018

VIA EMAIL: usat.edu@gmail.com

Orien Tulp, President
University of Science, Arts & Technology (USAT) Faculty of Medicine
Main Campus
S. Mayfield Estate Drive
Olveston, MONTSERRAT

Dear Dr. Tulp,

This is a follow-up to my August 21 and September 14, 2018 letters to you. As you know, it has recently come to the attention of the Educational Commission for Foreign Medical Graduates (ECFMG) that USAT in Montserrat is operating a satellite (or branch) campus in Miami, Florida. ECFMG also understands that USAT is operating satellite campuses in Texas and Puerto Rico.

As I previously advised you, in order for students and graduates of an international medical school, such as USAT, to have eligibility to apply for ECFMG Certification, ECFMG policy requires confirmation from the appropriate government authority in the branch campus country that the branch campus is authorized to operate as a medical school in such branch campus country, among other requirements.

In light of this policy, ECFMG requested that USAT provide documentation from the United States Department of Education and/or the Florida Department of Education confirming that USAT's Miami branch campus is authorized to operate as a medical school in the United States. This documentation should cover the entire time period during which the USAT Miami branch campus has been in operation. To date, ECFMG has no record of receipt of such documentation from you or USAT.

Therefore, effective today, ECFMG's Sponsor Note in the *World Directory of Medical Schools (World Directory)* for USAT has been updated to reflect that 2019 and later graduates of USAT are no longer eligible to apply for ECFMG Certification or USMLE examinations as a step toward ECFMG Certification.

ECFMG is also writing to your current students to advise them that, if they graduate from USAT in 2019 or later, they will be ineligible for ECFMG Certification and ineligible to register for USMLE examinations as a step toward ECFMG Certification after December 31, 2018. We are also letting them know that in order to become eligible for ECFMG Certification (or to register for USMLE examinations as a step toward ECFMG Certification) on or after January 1, 2019, the United States Department of Education and/or the Departments of Education for Florida, Texas, and Puerto Rico

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Dr. Orien L. Tulp
October 18, 2018
Page 2 of 2

must provide ECFMG with documentation that USAT is authorized to operate as a medical school in the United States. Otherwise, the students must transfer to and/or be officially enrolled in a medical school that is listed in the *World Directory* as meeting eligibility requirements for ECFMG Certification. In addition, the "Graduation Years" in the ECFMG note on the Sponsor Notes tab of the *World Directory* listing for the student's medical school must be listed as "Current" at the time he/she applies and on his/her test day.

USAT's 2018 and earlier graduates will continue to remain eligible to apply to ECFMG for ECFMG Certification.

Should the United States Department of Education and/or the Departments of Education for Florida, Texas, and Puerto Rico provide ECFMG with documentation that USAT is authorized to operate as a medical school in the United States, ECFMG will be happy to review USAT's eligibility for an ECFMG Sponsor Note in the *World Directory*.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Corrado", is positioned above the typed name.

Ms. Kara Corrado, JD
Vice President for Operations

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Appendix L



EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES

3624 Market Street
Philadelphia PA 19104-2685 USA
215-386-5900
www.ecfm.org

PERSONAL AND CONFIDENTIAL
VIA EMAIL: o.tulp@usat.edu

October 18, 2018

Dr. Orien L. Tulp
Professor and President
University of Science, Arts & Technology (USAT) Faculty of Medicine
Main Campus
S. Mayfield Estate Drive
Olveston
MONTSERRAT

Dear Dr. Tulp:

I am writing to advise you of the allegation that you, individually and in your capacity as an official of the University of Science, Arts & Technology (USAT) Faculty of Medicine, Montserrat, engaged in irregular behavior in connection with providing false information to ECFMG. Specifically, you provided false information to ECFMG when you (1) notified ECFMG that USAT does not operate a branch campus in Miami, Florida and (2) certified to the attendance dates of several USAT students and graduates when ECFMG has information that these students were not attending USAT during some of the time periods to which you certified. The details of ECFMG's allegation are set forth below.

Details of Allegation

False Information Regarding U.S. Branch Campuses

On August 21, 2018, ECFMG advised you that we had become aware that USAT was operating a "branch" campus in Miami, Florida. We advised you that in order for students and graduates of an international medical school, such as USAT, to have eligibility to apply for ECFMG Certification, ECFMG policy requires confirmation from the appropriate government authority in the branch campus country that the branch campus is authorized to operate as a medical school in such branch campus country. Therefore, we requested that USAT provide documentation from the United States Department of Education and/or the Florida Department of Education confirming that USAT's Miami branch campus is authorized to operate as a medical school in the United States. We indicated that this documentation should cover the whole time period that the USAT Miami branch campus has been in operation.

In response to ECFMG's August 21, 2018 letter, you replied:

"This is incorrect information. The Miami location is an information and testing site only, where a pre-usmle examination [an NBME] may administered, and an Orientation for new students is conducted prior to their traveling to the

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Dr. Orien L. Tulp
October 18, 2018
Page 2 of 4

Caribbean.. It is NOT a campus. Our ONLY Campus is located in Olveston, Montserrat, British West Indies.

Actually, recall that Montserrat is a volcanic Island, and the license issued to USAT in September, 2003 DOES actually permit the establishment of off-campus lecture and administrative sites as needed. USAT has students on island on a year round basis since its origination.” [emphasis in original]

After receiving your reply, ECFMG received information that USAT was also providing medical education lectures not only at its Miami site, but also at sites in Tampa, Florida, Dallas, Texas, and Puerto Rico. As a result and to ensure that information regarding international medical schools and their students provided to ECFMG complies with ECFMG policies and requirements, ECFMG notified you that ECFMG would require USAT students and graduates to complete an affidavit, attesting to the accuracy of the medical school information provided to ECFMG.

In response to ECFMG’s affidavit request, many USAT students and graduates have certified that they have not completed any courses on Montserrat, but instead completed courses on site in the United States at the direction of USAT officials due to volcanic and hurricane activity on Montserrat. ECFMG also received a copy of the “2018 University of Science, Arts and Technology Lecture Conference Schedule” which shows lectures occurring in Florida and Texas. We note that there are no lectures scheduled for Montserrat. We also note that graduation occurs in Miami, Florida.

This directly conflicts with the information that you provided, i.e. that “the Miami location is an information and testing site only, where a pre-usmle examination [an NBME] may administered, and an Orientation for new students is conducted prior to their traveling to the Caribbean.. It is NOT a campus. Our ONLY Campus is located in Olveston, Montserrat, British West Indies.” [emphasis in original]. Further, though USAT’s agreement with the Montserrat government indicates that USAT “agrees to maintain operations in Monserrat with regard to its Medical and other programmes for the duration of the agreement unless unforeseen circumstances and/or natural disaster arise that the MCL-USAT may choose to relocate to an area of convenience for the MCL-USAT for a time period to be determined by MCL-USAT. This would not effect any permission granted to MCL-USAT by the government of Montserrat,” ECFMG has no record of receipt of any official communication from you or any other USAT official indicating that USAT relocated due to volcanic activity, from 2003 until present.

In ECFMG’s September 15, 2017 announcement “Relocation of Caribbean Medical Schools Impacted by Hurricane Irma” ECFMG advised: “Schools that have relocated or plan to relocate their operations to the United States or elsewhere as a result of Hurricane Irma should provide ECFMG with: a) a formal notice to ECFMG that includes the address of where the school is temporarily located and the expected date of when the school will return to its home country, b) copies of approvals from the home country governmental authorities, and c) copies of approvals from the accrediting

Dr. Orien L. Tulp
 October 18, 2018
 Page 3 of 4

agency, if any. This information should be e-mailed to Medical Education Resources at medschoolreview@ecfmq.org, along with any questions or comments.” ECFMG has no record of receipt of any correspondence from you or any other USAT official that USAT was relocating to the United States due to Hurricane Irma, or any other hurricane.

Certification of False Information Regarding Students Attendance Dates

During the course of the investigation into USAT’s branch campuses, ECFMG has discovered information that indicates that you provided false information to ECFMG regarding the attendance dates of some of your students on some of their applications for United States Medical Licensing Examinations (USMLE). Specifically, you certified that students were attending USAT during time periods which they were not actually attending USAT.

It is ECFMG’s usual practice to consider any action or attempted actions by any person that would or could subvert the processes, programs or services of ECFMG to be *irregular behavior*. See Section A.1. of the enclosed *ECFMG Medical Education Credentials Committee Policies and Procedures*. Examples of irregular behavior include the provision of false information or falsified credentials to ECFMG. ECFMG investigates and considers allegations of irregular behavior in order to protect the integrity of its processes, programs, and services. The ECFMG Committee can impose serious sanctions if it finds irregular behavior has been committed.

The review into the matters described in this letter are ongoing. ECFMG reserves the right to amend or make additional allegations of irregular behavior, in accordance with its policies and procedures, should ECFMG obtain information that supports such amendment or additional allegations.

ECFMG Medical Education Credentials Committee Review of this Allegation

This matter will be referred to the ECFMG Committee for review at its next scheduled meeting on November 28, 2018 in Philadelphia. The ECFMG Committee will consider the information presented and take action in accordance with the enclosed *ECFMG Medical Education Credentials Committee Policies and Procedures*.

You will have the opportunity to appear personally before the ECFMG Committee, accompanied by legal counsel, if you so wish. Please indicate in your response if you wish to appear personally before the ECFMG Committee in your individual and/or official capacities. If you do wish to make a personal appearance, I will notify you of the particular time and location of the meeting.

The following documents will be included in the Agenda for the ECFMG Committee’s review:

- ECFMG’s August 21, 2018 letter to you and your August 21, 2018 e-mail reply;

Dr. Orien L. Tulp
October 18, 2018
Page 4 of 4

- ECFMG's September 14, 2018 letter to you, including a copy of the affidavit sent to USAT students on September 14, 2018;
- Copy of "2018 University of Science, Arts and Technology Lecture Conference Schedule"
- September 15, 2017 ECFMG Announcement "Relocation of Caribbean Medical Schools Impacted by Hurricane Irma";
- Copy of "An Agreement Between the Government of Montserrat and Medical College of London (MCL) University of Science, Arts, and Technology (Montserrat) LTD. (USAT)"
- Affidavits completed by USAT students; and
- This letter.

Copies of these documents, with the exception of the completed affidavits by students, are enclosed.

Please provide a response to ECFMG by November 1, 2018. In your response, please note whether you wish to make a personal appearance before the ECFMG Committee. All documents should be submitted to Ms. Kara Corrado, Vice President for Operations, at the address above or via e-mail at kcorrado@ecfmq.org. If you have any questions, please do not hesitate to call me at (215) 883-7318.

Sincerely,



Lisa L. Cover
Senior Vice President for Business
Development and Operations

Encl: As noted.

**ECFMG®**EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES3624 Market Street
Philadelphia, PA 19104-2685 USA
215-386-5900 | 215-386-9767 Fax
www.ecfm.org**AFFIDAVIT ATTESTING TO MEDICAL SCHOOL ATTENDANCE**

I,

*ECFMG Applicant Name**ECFMG ID Number*

hereby declare, under penalty of perjury under the laws of all applicable jurisdictions, including the United States of America, and under penalty of a finding of irregular behavior under applicable ECFMG rules and regulations, that:

Section 1: Attendance Dates at University of Science, Arts & Technology (USAT) Faculty of Medicine

I attended University of Science, Arts & Technology (USAT) Faculty of Medicine located in Montserrat during the following dates:

From (Month/Year)	To (Month/Year)

Section 2: Dates and Location of Basic Sciences Courses Taken in Montserrat

I was physically present and took basic sciences courses in Montserrat, during the following dates and at the following location (If you did not complete your basic sciences course work at a facility located in Montserrat, complete Section 3):

Dates of Basic Sciences Courses Taken while Physically Located In Montserrat		
(Do not include dates if you were not physically present in Montserrat. Do not include breaks in time where you were not physically located in Montserrat. Only list the beginning and end date for when you were physically present in Montserrat attending basic sciences courses.)		
From (Month/Year)	To (Month/Year)	Address of Facility Where Basic Sciences Classes Were Held

While I took my basic sciences classes in Montserrat, I resided at the following location(s):

Residence Address in Montserrat	Residence Dates in Montserrat	
	From (Month/Year)	To (Month/Year)

I am attaching the following documentation to demonstrate my physical presence in Montserrat during the time I was taking basic sciences classes at University of Science, Arts & Technology (USAT) Faculty of Medicine. (check all that apply):

- ☐ My passport, showing travel to Montserrat and visas for Montserrat
 ☐ My lease, utility bills, etc. for my housing
☐ My airline tickets/boarding passes documenting travel to Montserrat
 ☐ Other (please specify)

Section 3: TO BE COMPLETED ONLY IF YOU CANNOT COMPLETE SECTION 2

I did **not** take basic sciences courses at a facility located in Montserrat because:

I also declare that this information is comprehensive, complete and accurate as of the date of my signature.

*Signature of Applicant**(day) (month) (year)***Certification by Official**

I certify that on the date set forth below the individual named above did appear personally before me and that the statements in this document are subscribed and sworn to before me by the individual on this ____ day, of the month of _____ in the year _____.

*Signature of Notary Public**Printed Name of Official*

Official Seal

CONFIDENTIAL

ECFMG00000475

Appendix 9

From: [MECCSupport](#)
Subject: IMPORTANT INFORMATION FROM ECFMG / ACTION REQUIRED
Date: Monday, October 15, 2018 2:46:38 PM
Attachments: [2nd USAT Affidavit - FINAL.pdf](#)

Dear Doctor:

Our records indicate that you have listed University of Science, Arts & Technology (USAT) Faculty of Medicine in Montserrat as the medical school from which you will graduate or have already graduated and that you are participating in the 2019 Electronic Residency Application Service (ERAS).

As you know, ECFMG is currently conducting a review of its records to ensure that information provided to ECFMG regarding international medical schools and their students/graduates complies with ECFMG policies and requirements. As part of this review, on September 18, 2018, we sent you an affidavit to be completed attesting to your medical school attendance information.

In addition to the previous affidavit, we are also requiring you to submit the attached affidavit which provides additional information to ECFMG about your attendance at USAT.

WHAT YOU NEED TO DO

Effective immediately, as a USAT student or graduate seeking a service or services related to ECFMG Certification, including registration for the United States Medical Licensing Examination (USMLE), release of USMLE scores, issuance of an ECFMG Certificate, or issuance of ECFMG Certification Status Reports to residency programs, you must complete the attached affidavit, attesting to the education you received at USAT. Completion of the affidavit is required and will facilitate ECFMG's review.

NOTE: FAILURE TO COMPLETE AND SUBMIT THIS AFFIDAVIT BY NOVEMBER 1, 2018 MAY RESULT IN YOU BEING UNABLE TO PARTICIPATE IN THE NATIONAL RESIDENT MATCHING PROGRAM (NRMP) "THE MATCH."

The affidavit must also be notarized by NotaryCam, which provides secure on-line notarization of documents. To use NotaryCam, go to <https://www.notarycam.com/ecfm-g-affidavit/> and follow NotaryCam's instructions. NotaryCam will e-mail your affidavit to ECFMG directly.

YOU MUST COMPLETE AND SUBMIT THIS AFFIDAVIT NO LATER THAN NOVEMBER 1, 2018.

Please allow two to four weeks processing time after the above-described affidavit has been submitted to ECFMG. ECFMG will notify you in writing after your affidavit has been processed.

ECFMG reserves the right to bring allegations of irregular behavior against you, in accordance with its policies and procedures, should ECFMG obtain information that indicates that you have engaged in irregular behavior with respect to any documentation submitted as part of this process.

If you have any questions, please contact MECCsupport@ecfm-g.org and you will be assigned a Case Manager. If you prefer, you may call 215-386-5900 and ask to be transferred to a Case Manager for USAT.

Sincerely,

ECFMG



EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES

3624 Market Street
Philadelphia, PA 19104-2685 USA
215-386-5900 | 215-386-9767 Fax
www.ecfm.org

**AFFIDAVIT ATTESTING TO EDUCATION RECEIVED AT
UNIVERSITY OF SCIENCE, ARTS & TECHNOLOGY (USAT) FACULTY OF MEDICNE, MONTSERRAT**

I, _____
ECFMG Applicant Name

□-□□□-□□□-□
ECFMG ID Number

hereby declare, under penalty of perjury under the laws of all applicable jurisdictions, including the United States of America, and under penalty of a finding of irregular behavior under applicable ECFMG rules and regulations, that **(initial all that apply)**:

- (1) I did **not** receive "advanced standing" at USAT or was otherwise exempted from taking courses at USAT for credits I earned at other educational institutions or their programs, including but not limited to other medical schools or allied health schools (nursing schools, chiropractic schools, physician assistant programs, etc.).
- (2) I did **not** receive "advanced standing" at USAT or was otherwise exempted from taking courses at USAT for previous work or life experience (e.g. employment as a physician assistant, chiropractor, or nurse practitioner).
- (3) I was **not** exempted from taking courses required for graduation from USAT.
- (4) **All** of the credits that I earned at USAT for my basic sciences courses (as listed on my USAT transcript) were earned for completion of courses taken at USAT, administered by USAT faculty or staff.
- (5) **All** of the credits that I earned at USAT for my clinical rotations (as listed on my USAT transcript) were earned for completion of rotations that were facilitated by USAT for me.

Initials

Initials

Initials

Initials

Initials

I cannot certify to statement 1 above because:

I cannot certify to statement 2 above because:

I cannot certify to statement 3 above because:

I cannot certify to statement 4 above because:

I cannot certify to statement 5 above because:

I also declare that this information is comprehensive, complete, and accurate as of the date of my signature.

Signature of Applicant

(day) (month) (year)

Certification by Official

I certify that on the date set forth below that the individual named above did appear personally before me and that the statements in this document are subscribed and sworn to before me by the individual on this _____ day, of the month of January in the year _____.

Signature of Notary Public

Printed Name of Official

Official Seal

From: Bede, Carole <CBede@ECFMG.org>
Sent: Thursday, October 18, 2018 8:24 AM
To: Corrado, Kara; Mealey, Scott
Subject: RE: text for USAT - 10:30am

I'm glad I mentioned it then. I will keep both notes.

Best Regards,
Carole Bede

Ms. Carole Bede
 Regional Coordinator, Medical Education Resources

 Educational Commission for Foreign Medical Graduates
 3624 Market Street
 Philadelphia, PA 19104
 USA
 Email: cbede@ecfm.org

From: Corrado, Kara
Sent: Thursday, October 18, 2018 8:00 AM
To: Mealey, Scott; Bede, Carole
Subject: RE: text for USAT - 10:30am

Correct, both notes should appear with the 2019 Sponsor Note one being fist.

Ms. Kara Corrado, J.D.
 Vice President for Operations
 Educational Commission for Foreign Medical Graduates (ECFMG)
 3624 Market Street
 Philadelphia, PA 19104

 TEL: +1.215.823.2273
kcorrado@ecfm.org | www.ecfm.org

From: Mealey, Scott
Sent: Thursday, October 18, 2018 7:58 AM
To: Bede, Carole
Cc: Corrado, Kara
Subject: RE: text for USAT - 10:30am

I think we want both notes to still appear – Kara? With the new one on top.

The new note is below and the current note is

Currently, students and graduates of USAT are subject to enhanced procedures that must be met in order to be eligible to apply for ECFMG Certification related services, including but not limited to: ECFMG Certification, USMLE examinations that lead to ECFMG Certification, and Electronic Residency Application Service (ERAS®) Support Services. ECFMG will provide information and instructions to applicants upon receipt of application.

From: Bede, Carole
Sent: Thursday, October 18, 2018 7:56 AM
To: Mealey, Scott
Subject: RE: text for USAT - 10:30am

Ok, I'm ready with the HTML codes and text, I will just have to remove the old note and put this one in.

Best Regards,

Carole Bede

Ms. Carole Bede
Regional Coordinator, Medical Education Resources



Educational Commission for Foreign Medical Graduates
3624 Market Street
Philadelphia, PA 19104
USA
Email: cbede@ecfm.org

From: Mealey, Scott
Sent: Thursday, October 18, 2018 7:52 AM
To: Bede, Carole
Subject: text for USAT - 10:30am

Note: As of January 1, 2019, students and graduates of this medical school with a graduation year of 2019 and later are not eligible to apply to ECFMG for ECFMG Certification, which also renders them ineligible to apply to ECFMG for the United States Medical Licensing Examinations (USMLE) as a step toward ECFMG Certification.

Appendix N

Tommy Swate
Attorney at Law
403 Wild Plum
Houston, Texas 77013
713-377-4860
swatemd@aol.com

September 23, 2018

Ms. Kara Corrado, J.D.
Vice President of Operations
Education Commission for Foreign Medical Graduates
3624 Market Street
Philadelphia, PA 19104-2685

Re: Letter of October 18, 2018

Dear Ms. Corrado:

This letter is notice that USAT will be represented at the November 28, 2018 hearing by Tommy Swate, Chris Blinn and a USAT representative. I have already given you notice that I am USAT's counsel. Also, local counsel will all so attend the hearing. Chris Blinn is my paralegal. USAT has not made a decision as to what person will be representing the school.

I assume ECFMG's October 18, 2018 letter to Dr. Tulp contains all the allegations that will be discussed at the November 28, 2018 meeting. If any further allegations are to be considered, please inform me of the allegations at least 10 days prior to the meeting. If any further evidence is to be presented at the meeting other than what is listed in your October 18 letter, please forward this information to me 10 days prior to the November 28th meeting. At this time I am requesting the complete file regarding each allegation. What the ECFMG may consider evidence and what USAT may consider exculpatory evidence may certainly be disputed. Thus, in order to defend USAT, I am requesting the complete file be made available to USAT's counsel.

It is my understanding that the ECFMG Medical Education Credentials Committee(MECC) is the entity tasked with making a decision regarding the ECFMG's October 18, 2018 allegations. The MECC is charged, I

believe, with making a decision based on a preponderance of the evidence standard. However, it has been brought to my attention that apparently a decision has already been made regarding October 18, 2018 allegations because the ECFMG has posted on various websites warning to USAT students that after January 1, 2018 USAT students will no longer be eligible to apply for the various Step tests. Of course, I appreciate the fact that ECFMG has given the students until January 1, 2019 the benefit of previous test scores and education. However, by ECFMG rules the only entity that is charged with making a decision regarding USAT is the MECC and only after hearing evidence. The administrative staff could not have based its decision to post the unfortunate statements on a preponderance of evidence standard because no evidence has been heard.

The ECFMG actions in placing notation on various websites suggest that the ECFMG proceedings are not neutral. The posting suggest that the ECFMG administrative staff has made a decision and is just going through the motions to have the MECC ratify the administrative staffs' decision. Plus the administrative staff is have ex parte communication with the MECC that USAT is not privy to the communication. I am requesting all communication with the MECC members regarding these allegations be disclosed.

Please remove the comments posted by the ECFMG administrative staff until after the November 28, 2018 hearing. I am requesting a copy of the rules governing the removal of a Caribbean medical school's physical location to another location based on a natural disaster? What rule or rules were applied to Ross University when it move its whole school to the United States after a natural disaster. What are the time frames allowed for the physical relocation? What time frame is allowed any school to correct any deficiency found by the ECFMG? When did the MECC meet and give permission for the UCFMG to send out its September 14, 2018 letter? Under what authority was the letter mailed? Did the MEEC authorized the unfortunate comments on the internet regarding USAT?

On behalf of USAT, we look forward to the November 28, 2018 hearing to discuss these serious allegations. As requested above, USAT's counsel needs to know all the facts in order to advise the USAT administration on the proper action to take. USAT cannot crafted a solution without knowing the rules governing its actions and all the facts concerning the allegations . Fundamental fairness requires disclosure of rules and facts.

Please respond to my request no later than 10 days before the November 28, 2018 hearing.

Yours truly,

Tommy Swate
Counsel for USAT

Appendix O



EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES

3624 Market Street
Philadelphia PA 19104-2685 USA
215-386-5900 | 215-386-9767 Fax
www.ecfm.org

VIA EMAIL: swatemd@aol.com

October 26, 2018

Mr. Tommy Swate
Attorney at Law
403 Wild Plum
Houston, Texas 77013

Dear Mr. Swate:

I am writing in response to your letters dated September 15, 2018 and September 23, 2018. These letters were received at ECFMG on October 16, 2018 and October 23, 2018 respectively. We understand from your letters that you have been retained as counsel for University of Science, Arts & Technology (USAT) Faculty of Medicine, Montserrat. Your letters appear to conflate the issue that USAT is operating branch campuses in the United States without appropriate documentation with the allegations of irregular behavior for Dr. Tulp. We take this opportunity to clarify these issues for you.

Allegations of Irregular Behavior for Dr. Orien Tulp

ECFMG has *not* alleged irregular behavior on the part of USAT (the institution). The allegations of irregular behavior are specific to Dr. Tulp, both individually and in his capacity as an official of USAT. Therefore, before providing you with any materials relating to allegations of irregular behavior concerning Dr. Tulp, we ask that you advise ECFMG whether you also represent Dr. Tulp individually, in addition to USAT. We will be happy to share the entire case file that will be reviewed by the ECFMG Medical Education Credentials Committee ("ECFMG Committee") with you once you have officially advised that you are Dr. Tulp's legal counsel.

Please note that only Dr. Tulp is entitled to request a personal appearance at the ECFMG Committee hearing, with his legal counsel, as outlined in ECFMG's Policies and Procedures for Irregular Behavior. ECFMG will not permit any other person or official, from USAT or otherwise, to appear instead of Dr. Tulp at his hearing. If you are Dr. Tulp's legal counsel, Dr. Tulp has the right for you to appear with him at the hearing. There is no right or need for "local counsel" or "paralegals" to attend; therefore, they will not be permitted to attend Dr. Tulp's hearing.

Further, in your September 23, 2018 letter, you indicate that "a decision has already been made regarding October 18, 2018 allegations because the ECFMG has posted on various websites warning to USAT students that after January 1, 2018 USAT students will no longer be eligible to apply for the various Step tests." This is incorrect. No decision regarding the allegations against Dr. Tulp has been made as the ECFMG Committee has not yet reviewed these allegations. ECFMG carefully follows its policies and procedures, maintaining fairness and integrity throughout its processes. We trust this information disabuses you of the notion that ECFMG's "proceedings are not neutral."

USAT's Operation of Branch Campuses in the United States

ECFMG's update to USAT's ECFMG Sponsor Note in the *World Directory of Medical Schools* is a wholly separate matter from the allegations against Dr. Tulp. Our letters of August

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Mr. Tommy Swate
October 26, 2018
Page 2 of 3

21, 2018, September 14, 2018, and October 18, 2018 (enclosed for your reference) are related to the issue surrounding USAT's operation of branch campuses in the United States. Through these correspondences, ECFMG advised USAT of ECFMG's policy regarding branch campuses operating in countries outside the main campus country. To reiterate: in order for students and graduates of an international medical school to have eligibility to apply for ECFMG Certification, ECFMG policy requires (among other things) confirmation from the appropriate government authority in the branch campus country that the branch campus is authorized to operate as a medical school in the branch campus country.

When ECFMG became aware that USAT was operating a campus in Miami, FL, United States, ECFMG requested USAT to provide ECFMG with the documentation from the United States Department of Education and/or the Florida Department of Education confirming that USAT's Miami branch campus is authorized to operate as a medical school in the United States. This documentation should cover the entire time period during which the USAT Miami branch campus has been in operation. To date, ECFMG has no record of receipt of such documentation from USAT.

As a result, ECFMG updated its ECFMG's Sponsor Note in the *World Directory of Medical Schools (World Directory)* for USAT to reflect that 2019 and later graduates of USAT are no longer eligible to apply for ECFMG certification. ECFMG also provided USAT students with this information and guidance on how this information impacted them. If USAT students still have questions about this, they should contact ECFMG directly as outlined in ECFMG's message to them.

ECFMG does not dispute that USAT's charter has a provision in which the government of Montserrat permits USAT to "relocate to an area of convenience" if faced with "natural disaster or unforeseen circumstances." The charter indicates "This would not affect any permission granted to the MCL-USAT by the Government of Montserrat." However, the government of Montserrat is not in a position to authorize the establishment of a medical school campus or conduction of other educational activity in another country. Thus, this section of USAT's charter is irrelevant to the matter of the United States' recognition of USAT's activities within its sovereign borders.

In reference to your question regarding ECFMG's temporary relocation of some medical schools impacted by natural disasters, it is not appropriate for ECFMG to disclose its communication with other medical school officials. However, we can assure you that the safety of students and school officials is of the highest priority to ECFMG and ECFMG has and will continue to be supportive of and flexible with students and medical schools during periods of temporary relocation and operational recovery. ECFMG is not aware of any recent natural disasters impacting the island of Montserrat that would require a temporary relocation of USAT.

ECFMG now understands that in addition to Florida, USAT operates campuses in Texas, Puerto Rico, and Maryland. Should the United States Department of Education and/or the Departments of Education for Florida, Texas, Puerto Rico, and Maryland provide ECFMG with documentation that USAT is authorized to operate its medical school branch campuses in the United States, ECFMG will be happy to review USAT's eligibility for an ECFMG Sponsor Note in the *World Directory*. Until that time, USAT's ECFMG Sponsor Note for USAT will remain as is.

Mr. Tommy Swate
October 26, 2018
Page 3 of 3

Finally, we note that your letter indicates that USAT has conducted classes “in locations other than Montserrat *for 15 years* without incident...” [emphasis in original]. This is troubling to ECFMG, as ECFMG defines an international medical graduate as a physician who received his/her basic medical degree or qualification from a medical school located **outside** the United States and Canada. If USAT has not conducted any medical education in Montserrat for the entirety of its existence, but instead has done so at facilities in the United States, then its graduates, by definition, are not international medical graduates and therefore are not eligible for ECFMG Certification. As a US medical school, we understand that USAT would be subject to accreditation by the Liaison Committee on Medical Education (LCME) which is the U.S. Department of Education-recognized accrediting body for programs leading to the M.D. degree in the United States. ECFMG is not aware that USAT has been so accredited by LCME.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Corrado", is positioned above the typed name.

Ms. Kara Corrado, JD
Vice President for Operations

Encl: As noted.

Appendix R

From: Corrado, Kara
To: "swatemd"
Cc: "carla.konyk@gmail.com"; "billreilaw@gmail.com"; Katz, Francine
Subject: RE: Hearing for Dr. Tulp -- Response Required
Date: Wednesday, November 14, 2018 3:19:00 PM

Dear Mr. Swate,

Thank you for your email. As we understand that you and Mr. Reil are representing Dr. Tulp in the matter related to the allegations of irregular behavior, I am sending the materials that the ECFMG Committee will review when considering these allegations. I will send the attachments in 5 separate emails, as they are quite large. Please let me know if you have not received them. Please note that this email will also be provided to the Committee.

ECFMG's Medical Education Credentials Committee is comprised of members of ECFMG's Board of Trustees and ECFMG's President and CEO. ECFMG staff and legal counsel will also be present at the meeting. These individuals will introduce themselves to you and Dr. Tulp at the meeting; thus it is not necessary for ECFMG to give you the names of these individuals in advance of the meeting. Further, it is not appropriate for ECFMG to give you the addresses of these individuals, either now or at the meeting.

Again, and as stated in my October 26, 2018 letter, we clarify for you that ECFMG's update to its *World Directory of Medical Schools* Sponsor Note for USAT is unrelated to the allegations of irregular behavior for Dr. Tulp. ECFMG's update to USAT's Sponsor Note is related to its branch campus activities in the United States. ECFMG requested USAT to provide ECFMG with the documentation from the United States Department of Education and/or the Florida Department of Education confirming that USAT's Miami branch campus is authorized to operate as a medical school in the United States. To date, ECFMG has no record of receipt of such documentation from USAT. Should the United States Department of Education and/or the Departments of Education for Florida, Texas, Puerto Rico, and Maryland (where ECFMG understand USAT has branch campuses) provide ECFMG with documentation that USAT is authorized to operate its medical school branch campuses in the United States, ECFMG will be happy to review USAT's eligibility for an ECFMG Sponsor Note in the *World Directory*. Until that time, USAT's ECFMG Sponsor Note for USAT will remain as is.

Since ECFMG has not alleged irregular behavior against USAT (the institution) there is no need for a hearing for USAT. Nor is there any right to a hearing with ECFMG for USAT for any matter. ECFMG will not entertain any request to review the actions it has taken with respect to USAT's Sponsor Note at Dr. Tulp's irregular behavior hearing.

Dr. Tulp is scheduled to appear before the ECFMG Committee with you and Mr. Reil (Dr. Tulp's attorneys) on Wednesday November 28, 2018 at 9:00 AM at the Rittenhouse Hotel, 210 West Rittenhouse Square, Philadelphia, PA 19103. Please arrive at 8:45 AM. In accordance with ECFMG's standard practice, Dr. Tulp will be scheduled for 20 minutes, during which time he will have the opportunity to present his response to these allegations (either personally or through his counsel) and the ECFMG Committee members, ECFMG counsel, and staff will have the opportunity to ask questions. After that, Dr. Tulp may provide a brief, closing statement.

Sincerely,

Kara Corrado

Ms. Kara Corrado, J.D.
Vice President for Operations
Educational Commission for Foreign Medical Graduates (ECFMG)

3624 Market Street
Philadelphia, PA 19104

TEL: +1.215.823.2273
kcorrado@ecfm.org | www.ecfm.org

From: swatemd@aol.com [mailto:swatemd@aol.com]
Sent: Friday, November 09, 2018 6:28 PM
To: Corrado, Kara; carla.konyk@gmail.com
Subject: Re: Hearing for Dr. Tulp -- Response Required

External Email. Please Proceed with Caution.

Mr. Riel and I will represent Dr. Tulp at the hearing on October 28th. Please send a copy of the October 28 agenda and written policy and procedure to my attention at swatemd@aol.com. Please forward copies of all documents submitted to the committee members prior to the hearing.

I did not receive your letter of October 26 until this afternoon by e mail. I am requesting the names and addresses of the committee members plus the individuals other than the committee members that will be at the hearing. Also, please send me ALL the evidence that will be presented at the hearing so that Dr. Tulp can prepare for the hearing.

I represent both Dr. Tulp and USAT. I will send a formal demand by certified mail for ECFMG to stop the tortious inference with the operation of USAT immediately. The ECFMG has taken action against USAT without giving USAT the opportunity to respond in a formal setting. To save time and expense, I am request a hearing on behalf of USAT on October 28, 2018. Please inform me of the person or persons who authorized the letters to USATs' students? What person or entity made a decision to arbitrarily without a hearing block certain USATs' students scores from being disclosed? Tommy Swate

-----Original Message-----

From: Corrado, Kara <KCorrado@ecfm.org>
To: swatemd <swatemd@aol.com>
Sent: Fri, Nov 9, 2018 2:19 pm
Subject: RE: Hearing for Dr. Tulp -- Response Required

Dear Mr. Swate,

I just resent the letter to you. I had emailed it to you on October 26, 2018. Please let me know if you have received it.

Please advise if you are representing Dr. Tulp and if Dr. Tulp will be appearing at the meeting.

Sincerely,

Kara Corrado

Ms. Kara Corrado, J.D.
Vice President for Operations
Educational Commission for Foreign Medical Graduates (ECFMG)
3624 Market Street
Philadelphia, PA 19104

TEL: +1.215.823.2273

kcorrado@ecfm.org I www.ecfm.org

From: swatemd [<mailto:swatemd@aol.com>]

Sent: Friday, November 09, 2018 3:03 PM

To: Corrado, Kara

Subject: Re: Hearing for Dr. Tulp -- Response Required

External Email. Please Proceed with Caution.

I have not received a letter dated October 26th from you. Please e mail the LETTER to me . Both attorneys will appear on the 28th. I can not respond until I receive your letter. Tommy Swate

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: "Corrado, Kara" <KCorrado@ecfm.org>

Date: 11/9/18 1:01 PM (GMT-06:00)

To: swatemd@aol.com, billreillaw@gmail.com

Cc: "Katz, Francine" <fkatz@ECFMG.org>

Subject: Hearing for Dr. Tulp -- Response Required

Gentleman:

I am following up on ECFMG's October 26, 2018 letter to you regarding USAT. We understand that you both are counsel for USAT.

As you know, ECFMG will review the allegations of irregular behavior for Dr. Tulp on November 28, 2018. Dr. Tulp has a right to a personal appearance at that meeting with his legal counsel.

Please reply to this email by November 14, 2018 and indicate:

If you are representing Dr. Tulp in this matter; and

If Dr. Tulp plans to attend the meeting in person (and if so, which of his attorneys will be present).

If we do not receive a reply from you on or before November 14, 2018, we will assume that Dr. Tulp is not making a personal appearance. Dr. Tulp's case is scheduled to be reviewed on November 28, 2018 whether or not he makes a personal appearance.

Sincerely,

Kara Corrado

Ms. Kara Corrado, J.D.
Vice President for Operations
Educational Commission for Foreign Medical Graduates (ECFMG)
3624 Market Street
Philadelphia, PA 19104

TEL: +1.215.823.2273

kcorrado@ecfm.org | www.ecfm.org

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From: swatemd <swatemd@aol.com>
Sent: Friday, November 16, 2018 2:16 PM
To: Corrado, Kara
Subject: RE: Hearing for Dr. Tulp -- Response Required

External Email. Please Proceed with Caution.

Thank you . I have received documents Tommy Swate

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: "Corrado, Kara" <KCorrado@ecfm.org>
Date: 11/16/18 1:04 PM (GMT-06:00)
To: swatemd <swatemd@aol.com>
Cc: carla.konyk@gmail.com, billreillaw@gmail.com, "Katz, Francine" <fkatz@ECFMG.org>
Subject: RE: Hearing for Dr. Tulp -- Response Required

Dear Mr. Swate,

I am writing to confirm that you have received the materials that the ECFMG Committee will review at its meeting on November 28, 2018 related to the allegations of irregular behavior for Dr. Tulp. All documents were emailed to you on Wednesday, November 14, 2018. I have also sent the documents to you via Federal Express today.

Please let us know if you have not received the documents.

Sincerely,

Kara Corrado

Ms. Kara Corrado, J.D.
Vice President for Operations
Educational Commission for Foreign Medical Graduates (ECFMG)
3624 Market Street
Philadelphia, PA 19104

TEL: +1.215.823.2273
kcorrado@ecfm.org | www.ecfm.org

From: Corrado, Kara
Sent: Wednesday, November 14, 2018 3:19 PM
To: 'swatemd'
Cc: 'carla.konyk@gmail.com'; 'billreillaw@gmail.com'; Katz, Francine
Subject: RE: Hearing for Dr. Tulp -- Response Required

Dear Mr. Swate,

Thank you for your email. As we understand that you and Mr. Reil are representing Dr. Tulp in the matter related to the allegations of irregular behavior, I am sending the materials that the ECFMG Committee will review when considering these allegations. I will send the attachments in 5 separate emails, as they are quite large. Please let me know if you have not received them. Please note that this email will also be provided to the Committee.

ECFMG's Medical Education Credentials Committee is comprised of members of ECFMG's Board of Trustees and ECFMG's President and CEO. ECFMG staff and legal counsel will also be present at the meeting. These individuals will introduce themselves to you and Dr. Tulp at the meeting; thus it is not necessary for ECFMG to give you the names of these individuals in advance of the meeting. Further, it is not appropriate for ECFMG to give you the addresses of these individuals, either now or at the meeting.

Again, and as stated in my October 26, 2018 letter, we clarify for you that ECFMG's update to its *World Directory of Medical Schools* Sponsor Note for USAT is unrelated to the allegations of irregular behavior for Dr. Tulp. ECFMG's update to USAT's Sponsor Note is related to its branch campus activities in the United States. ECFMG requested USAT to provide ECFMG with the documentation from the United States Department of Education and/or the Florida Department of Education confirming that USAT's Miami branch campus is authorized to operate as a medical school in the United States. To date, ECFMG has no record of receipt of such documentation from USAT. Should the United States Department of Education and/or the Departments of Education for Florida, Texas, Puerto Rico, and Maryland (where ECFMG understand USAT has branch campuses) provide ECFMG with documentation that USAT is authorized to operate its medical school branch campuses in the United States, ECFMG will be happy to review USAT's eligibility for an ECFMG Sponsor Note in the *World Directory*. Until that time, USAT's ECFMG Sponsor Note for USAT will remain as is.

Since ECFMG has not alleged irregular behavior against USAT (the institution) there is no need for a hearing for USAT. Nor is there any right to a hearing with ECFMG for USAT for any matter. ECFMG will not entertain any request to review the actions it has taken with respect to USAT's Sponsor Note at Dr. Tulp's irregular behavior hearing.

Dr. Tulp is scheduled to appear before the ECFMG Committee with you and Mr. Reil (Dr. Tulp's attorneys) on Wednesday November 28, 2018 at 9:00 AM at the Rittenhouse Hotel, 210 West Rittenhouse Square, Philadelphia, PA 19103. Please arrive at 8:45 AM. In accordance with ECFMG's standard practice, Dr. Tulp will be scheduled for 20 minutes, during which time he will have the opportunity to present his response to these allegations (either personally or through his counsel) and the ECFMG Committee members, ECFMG counsel, and staff will have the opportunity to ask questions. After that, Dr. Tulp may provide a brief, closing statement.

Sincerely,

Kara Corrado

Ms. Kara Corrado, J.D.
Vice President for Operations
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From: swatemd@aol.com [mailto:swatemd@aol.com]
Sent: Friday, November 09, 2018 6:28 PM
To: Corrado, Kara; carla.konyk@gmail.com
Subject: Re: Hearing for Dr. Tulp -- Response Required

External Email. Please Proceed with Caution.

Mr. Riel and I will represent Dr. Tulp at the hearing on October 28th. Please send a copy of the October 28 agenda and written policy and procedure to my attention at swatemd@aol.com. Please forward copies of all documents submitted to the committee members prior to the hearing.

I did not receive your letter of October 26 until this afternoon by e mail. I am requesting the names and addresses of the committee members plus the individuals other than the committee members that will be at the hearing. Also, please send me ALL the evidence that will be presented at the hearing so that Dr. Tulp can prepare for the hearing.

I represent both Dr. Tulp and USAT. I will send a formal demand by certified mail for ECFMG to stop the tortious inference with the operation of USAT immediately. The ECFMG has taken action against USAT without giving USAT the opportunity to respond in a formal setting. To save time and expense, I am request a hearing on behalf of USAT on October 28, 2018. Please inform me of the person or persons who authorized the letters to USATs' students? What person or entity made a decision to arbitrarily without a hearing block certain USATs' students scores from being disclosed? Tommy Swate

-----Original Message-----

From: Corrado, Kara <KCorrado@ecfm.org>

To: swatemd <swatemd@aol.com>

Sent: Fri, Nov 9, 2018 2:19 pm

Subject: RE: Hearing for Dr. Tulp -- Response Required

Dear Mr. Swate,

I just resent the letter to you. I had emailed it to you on October 26, 2018. Please let me know if you have received it.

Please advise if you are representing Dr. Tulp and if Dr. Tulp will be appearing at the meeting.

Sincerely,

Kara Corrado

Ms. Kara Corrado, J.D.
Vice President for Operations
Educational Commission for Foreign Medical Graduates (ECFMG)
3624 Market Street
Philadelphia, PA 19104

TEL: +1.215.823.2273

From: Corrado, Kara <KCorrado@ecfm.org>
Sent: Thursday, January 10, 2019 10:31 AM
To: Katz, Francine; McEnroe, Elisa P.; Klayman, Matthew D.; Cover, Lisa
Subject: FW: Transcript from Hearing
Attachments: olt112818.pdf

PRIVILEGED

From: Corrado, Kara
Sent: Thursday, January 10, 2019 9:44 AM
To: o.tulp@usat.edu
Cc: billreillaw@gmail.com; 'swatemd@aol.com'
Subject: Transcript from Hearing

Dear Dr. Tulp,

Please find attached the transcript of the November 28, 2018 proceedings.

Sincerely,

Kara Corrado

Ms. Kara Corrado, J.D.
Vice President for Operations
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3624 Market Street
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1 MEETING OF THE ECFMG MEDICAL
2 EDUCATION CREDENTIALS COMMITTEE

3 - - -

4 RE: ORIEN L. TULP, USAT

5 - - -

6 NOVEMBER 28, 2018

7 - - -

8 Hearing taken pursuant to notice,
9 was held at RITTENHOUSE HOTEL, 210 West
10 Rittenhouse Square, Philadelphia,
11 Pennsylvania, commencing at 10:00 a.m.,
12 on the above date, before LISA MARIE
13 CAPALDO, RPR, a Registered Professional
14 Reporter and Notary Public in and for the
15 Commonwealth of Pennsylvania.

16
17
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19
20
21 GOLKOW LITIGATION SERVICES
877.370.3377 ph | 917.591.5672 fax
22 Deps@golkow.com
23
24

1 APPEARANCES:
2 ECFMG STAFF
3 Mr. William W. Pinsky
Mr. Dennis M. Donohue
4 Ms. Kara Corrado
Ms. Lisa L. Cover
5 Ms. Svetlana Gridneva
Mr. Scott Mealey
6 Ms. Rosemary Carlin
7

ECFMG Board Members

8
Dr. Maryellen Gusic
9 Dr. Ronald R. Blanck
Dr. Barbara Barzansky
10 Dr. Peter Buckley
Dr. Andrew Filak
11 Dr. Ram Krishna
Dr. Dotun Ogunyemi
12 Dr. James Pelegano
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Statement of:

ORIEN L. TULP, USAT

By Mr. Swate

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2

PROCEEDING

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O R I E N T U L P, Sworn.

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DR. GUSIC: We will begin by asking the committee members and the staff to introduce themselves. We will swear in Dr. Tulp and then if there are any opening statements.

12

13

MS. MCENROE: Elisa McEnroe, outside counsel for ECFMG.

14

15

MS. KATZ: I'm Francis Katz. I'm the general counsel at ECFMG.

16

17

DR. CRAIG: Steve Craig, board member.

18

19

DR. OGUNYEMI: Dr. Ogunyemi, ECFMG board member.

20

21

DR. BUCKLEY: Peter Buckley, I'm also an ECFMG board member.

22

23

DR. PELEGANO: Jim Pelegano, ECFMG board member.

24

DR. KRISHNA: Dr. Krishna,

1 board member.

2 DR. FILIK: Andy Filik,
3 ECFMG board member.

4 DR. PINSKY: Bill Pinsky,
5 President and CEO of ECFMG.

6 DR. GUSIC: Maryellen Gusic,
7 board member and chair of this
8 committee.

9 DR. BLANCK: Ronald Blanck,
10 chair and board member of this
11 committee.

12 DR. BARZANSKY: Barbara
13 Barzansky, ECFMG board member.

14 MS. CORRADO: Kara Corrado,
15 ECFMG staff.

16 MS. COVER: Lisa Cover,
17 ECFMG staff.

18 MR. DONOHUE: Dennis
19 Donohue, ECFMG staff.

20 MS. GRIDNEVA: Svetlana
21 Gridneva, ECFMG staff.

22 MS. CARLIN: Rosemary
23 Carlin, ECFMG staff.

24 MS. CORRADO: Just briefly,

1 I'm just going to iterate the
2 allegations for the committee.
3 The allegation is that Dr. Orien
4 Tulp, professor and president of
5 USAT engaged in irregular behavior
6 in connection with providing false
7 information to ECFMG, specifically
8 that Dr. Tulp provided false
9 information to ECFMG regarding
10 USTAT's United States branch
11 campuses and certifying to the
12 attendance dates of several USTAT
13 students and graduates when ECFMG
14 has information that these
15 students were not attending USTAT
16 during some of the time periods to
17 which Dr. Tulp certified.

18 Dr. Tulp is here today along
19 with his attorneys to address
20 these allegations and to answer
21 any questions that the committee
22 may have.

23 DR. GUSIC: Opening
24 statements.

1 MR. SWATE: Thank you. I
2 asked the name of the officer
3 outside the door, and he refused
4 to give me his name. Could you
5 tell me who the officer outside
6 the door is?

7 MS. McENROE: It's a
8 security officer we've brought in
9 for our own protection in case we
10 need it throughout our day's
11 proceedings. He's an off-duty
12 Philadelphia police officer.

13 MR. SWATE: First, I would
14 like to ask for the -- I've asked
15 and I've asked and I've asked for
16 the packet that was presented to
17 the committee members. I would
18 like a copy of the packet, the
19 information that was submitted to
20 the committee members so that I
21 will know what was considered by
22 the committee before we came here
23 today because you're considering
24 information that I may or may not

1 know about. And that's
2 fundamentally unfair to my client,
3 for my client to have to defend
4 against potential information that
5 we don't have.

6 First, I would ask for a
7 copy of that.

8 MS. McENROE: There's
9 actually a black binder right in
10 front of you. We also have
11 provided that on more than one
12 occasion prior to this proceeding,
13 which is our usual practice even
14 without you asking. That's what
15 we do.

16 MR. SWATE: Where is the
17 letter that you sent to the
18 committee members addressing this?

19 MS. McENROE: The materials
20 presented to the committee
21 regarding this circumstance with
22 Dr. Tulp's charges of irregular
23 behavior are presented in that
24 binder to you.

1 MR. SWATE: I'm asking you
2 for the letter you sent to the
3 committee members.

4 MS. McENROE: I don't know
5 what you're talking about.

6 MR. SWATE: You didn't send
7 them a letter explaining what this
8 was?

9 MS. McENROE: We sent those
10 materials.

11 MR. SWATE: What about the
12 letter that went with the
13 materials?

14 MS. McENROE: Those are the
15 materials including any
16 correspondence with it.

17 MR. SWATE: All the
18 correspondence would be included
19 with this material?

20 MS. McENROE: Correct.

21 MR. SWATE: I'm sorry.
22 Where is the correspondence that
23 you sent to the committee?

24 MS. McENROE: This is the

1 same material that you were
2 provided. November 14th you got
3 it by e-mail, and November 15th
4 you got it by Federal Express.

5 MR. SWATE: I'm asking for
6 the letters that you sent to these
7 committee members. You just
8 didn't send this out to the
9 committee members just blindly.

10 MS. McENROE: Unfortunate
11 for them, potentially there's a
12 lot of materials they have to
13 review, and they carefully review
14 the materials presented to them as
15 presented to you. We get an
16 electronic copy, myself included
17 which you were provided by e-mail
18 on November 14th.

19 MR. SWATE: So you're
20 telling me that you did not send
21 them a letter explaining this
22 material and explaining the
23 allegation to the committee
24 members.

1 MS. McENROE: That material
2 is as presented to the committee.

3 MR. SWATE: You're not
4 answering my question.

5 MS. McENROE: I'm not here
6 to answer your questions, sir.
7 We're here for your client to
8 explain to us the charges of
9 irregular behavior against him.

10 If you have an opening
11 statement you would like to make,
12 we're interested in hearing it.
13 Our committee has questions for
14 your client, and then we will
15 consider the charges of irregular
16 behavior.

17 MR. SWATE: This committee
18 has no jurisdiction over Dr. Tulp.
19 We showed up today as it stands
20 for negotiation. You all have no
21 legal jurisdiction to determine
22 anything.

23 So accordingly, please be
24 advised that we're not waiving

1 because we're here any
2 jurisdictional issues that may be
3 addressed at another forum at
4 another day.

5 Since the ECFMG has made the
6 allegation, it should have the
7 sole and exclusive burden of
8 proof. So who is presenting the
9 evidence against Dr. Tulp?

10 This is not the U.S.
11 Congress where you can make blind
12 allegations and attempt to have
13 the person prove they are not
14 guilty. And that's what's
15 occurring here today, just blatant
16 accusations and then assuming he's
17 guilty. And you have him come
18 here for 20 minutes to explain why
19 he's not guilty.

20 You have a duty of
21 presenting your evidence, credible
22 evidence before Dr. Tulp has to
23 answer anything. It's your
24 burden.

1 Now, you claim you are
2 basing this on the preponderance
3 of evidence. What evidence are
4 you presenting here today that Dr.
5 Tulp violated anything? None.

6 Also, there appears to be a
7 co-mingling of the prosecutorial
8 and jury functions. You are both
9 making the claims and acting as
10 judge and jury.

11 We have asked for discovery
12 of documents, especially any
13 letters or correspondence that
14 have been sent to the committee
15 members. The claim that you just
16 sent the committee members this
17 without any explanation doesn't
18 meet any kind of test of
19 credibility.

20 The ECFMG is either acting
21 as quasi government entity or
22 acting under a contract basis.
23 Now, you claim that you are a
24 private nonprofit entity. So the

1 only reason that you could be
2 interacting with Dr. Tulp is on
3 the basis of contract. Where is
4 the contract?

5 Dr. Tulp's doesn't have a
6 contract with you all. So you
7 have no right to tortuously
8 interfere with his business
9 practices or tortuously interfere
10 with his students.

11 ECFMG has printed and
12 published derogatory information
13 about USAT. Whether it's true or
14 not true, at least the target of
15 those accusations should have had
16 the opportunity to address those
17 accusations before you go out and
18 attempt to ruin the school, which
19 is what you have done causing
20 probably millions of dollars worth
21 of damages.

22 If you're not a quasi
23 government entity, everybody in
24 this room is going to be liable

1 for whatever damages we can prove.
2 You've already prejudged the case
3 by taking action against USAT by
4 refusing to release documents of
5 their students. Totally have
6 refused to release documents of
7 students the students are entitled
8 to have released.

9 Again, repeating myself,
10 you're either a quasi government
11 agency or you are a private
12 agency. A private agency you got
13 to have a contract. Quasi
14 government agency you got to have
15 at least an assemblance of due
16 process which there's none here.

17 I asked for the rules and
18 regulations and the protocols for
19 these meetings. Apparently, there
20 is none other than what's in the
21 eyes of the beholders of the
22 people who run the ECFMG.

23 What's the protocol? I
24 asked for the agenda. I got a

1 brief statement to show up at
2 8:45. And here we are at
3 ten o'clock, total disrespectful
4 to my client and myself to have us
5 show up at 8:45 and then be
6 ten o'clock before you have us
7 come in and address you.

8 So we have not received the
9 rules and regulations for the
10 hearing nor have we seen any right
11 that you have other than
12 essentially blackmailing the
13 students and telling the students,
14 well, if you don't send in these
15 forms, we're going to hold your
16 records hostage, which has
17 resulted in students either being
18 accepted for residency and not
19 being able to continue with the
20 residency or not being able to be
21 interviewed for the residency.

22 That is our opening
23 statement. If you have any
24 questions, you can address them to

1 me. Dr. Tulp will not be
2 answering any questions.

3 MS. McENROE: Mr. Swate, do
4 you have any substantive response
5 or statement with respect to the
6 charges of irregular behavior
7 against your client?

8 We've heard your procedural
9 concerns. And just for the
10 purposes of the record, we
11 disagree across the board with
12 your allegations and your
13 statements about the state of
14 affairs. I think for everybody's
15 time I'm not going to go through
16 them and enumerate each and every
17 single one of them.

18 If and when we ever ended up
19 dealing with these issues in the
20 court of law, we would deal with
21 them then and we feel very
22 confident --

23 MR. SWATE: I can assure you
24 we're going to end up in federal

1 court.

2 MS. McENROE: I let you
3 speak. Can you let me speak?

4 MR. SWATE: I'm sorry.

5 MS. McENROE: Do you have
6 any statement with regard to the
7 actual substantive allegations of
8 irregular behavior?

9 MR. SWATE: We can go
10 through this page by page.

11 MS. McENROE: I don't mean
12 to go through it page by page.
13 Are you here today saying that --
14 is it Dr. Tulp? I would say Tulp
15 with an L.

16 DR. TULP: It's Tulp.

17 MS. McENROE: Are you saying
18 that Dr. Tulp did not provide
19 incorrect information to ECFMG
20 with regard to branch campuses in
21 the United States?

22 MR. SWATE: Show me your
23 evidence that he did.

24 MS. McENROE: We have e-mail

1 correspondence from him in all
2 caps saying that there were not
3 campuses in the United States.
4 And we have significant evidence
5 to the contrary. We were
6 wondering if --

7 MR. SWATE: What's your
8 definition of campus?

9 MS. McENROE: Maybe that's
10 something you can illuminate for
11 us about what your client's view
12 is of a campus, whether there was
13 education taking place in the
14 United States for USTAT.

15 MR. SWATE: The burden of
16 proof is not on Dr. Tulp. The
17 burden of proof is on the ECFMG.

18 Now, Dr. Tulp is not going
19 to address a nebulous definition
20 of campuses. You show me your
21 written definition of campuses and
22 we'll address that.

23 MS. McENROE: Did USTAT
24 provide any student with any

1 medical school basic science
2 education in the United States?

3 MR. SWATE: Well, yes, it
4 did.

5 MS. McENROE: He's shaking
6 his head, no, and you just said,
7 yes. So maybe you should let your
8 client speak to respond.

9 MR. SWATE: Dr. Tulp is not
10 going to be talking today. The
11 next time you hear him talk is
12 going to be in federal court.

13 MS. McENROE: So, yes, there
14 was education in the United
15 States?

16 MR. SWATE: There was no
17 campus in the United States.

18 MS. McENROE: So my question
19 was, was there any education for
20 basic medical sciences provided in
21 the United States?

22 MR. SWATE: What do you mean
23 by education?

24 MS. McENROE: Were there any

1 live lectures provided in the
2 United States for USAT?

3 MR. SWATE: My
4 understanding is the lectures were
5 for some extent was prepared by
6 the Internet, that type of thing.

7 MS. McENROE: That was not
8 responsive to my question. My
9 question was --

10 MR. SWATE: You're not
11 cross-examining me, Counsel.

12 MS. McENROE: Well, I'm
13 asking you questions and trying to
14 be more specific --

15 MR. SWATE: We can't answer
16 the questions because you haven't
17 defined what campus is. You
18 haven't defined what the
19 regulations for having an off-site
20 campus where you allowed other
21 schools to have off-site campuses,
22 but you attacked USTAT for some
23 reason.

24 Now, you cannot disagree

1 that you have allowed other
2 schools to have off-site campuses
3 due to natural problems. You've
4 been told what the natural
5 problems were.

6 MS. McENROE: That was not
7 my question. My question was,
8 were there any live lectures
9 provided to students of USTAT or
10 basic medical sciences in the
11 United States?

12 MR. SWATE: I'm not a
13 witness. So you don't get to
14 cross-examine me.

15 MS. McENROE: I may not be
16 able to ask you questions as a
17 witness. I would normally ask
18 your client.

19 MR. SWATE: You're not going
20 to be able to do that because you
21 haven't given me enough
22 information to prepare my client.
23 This star chamber proceedings,
24 he's not going to participate in.

1 MS. McENROE: Despite the
2 four inches of paper --

3 MR. SWATE: Let's go through
4 each of the --

5 MS. McENROE: You had some
6 concerns that by not taking you
7 exactly at 8:45 when we asked that
8 you be here for a 9:00 hearing
9 until 10:00 was a waste of time.
10 We apologize if you feel that way.
11 That was not at all the intention.
12 This is a busy committee. We
13 don't have the time or the man
14 with to sit here and go through
15 every single page that we provided
16 you weeks ago.

17 MR. SWATE: I'm prepared to
18 go through every page of this.

19 MS. McENROE: Tell me where
20 in there it proves that your
21 client did not provide any medical
22 school education in the United
23 States.

24 MR. SWATE: He doesn't have

1 the burden of proof.

2 MS. McENROE: We're just
3 going around in circles. I don't
4 know that it's going to be much
5 more helpful to try and proceed.

6 MR. SWATE: I'm willing to
7 go through every page of this.

8 MS. McENROE: To what end?
9 You're not answering my questions.
10 What are you hoping to get out of
11 every single page of that?

12 If you want to sit here and
13 look for something specific, tell
14 me. We've all read the materials.
15 We can help direct you.

16 Take a look at Appendix E at
17 the e-mail from your client
18 saying, it is not a campus. Our
19 only campus is located in
20 Olveston, Montserrat, British West
21 Indies.

22 My questions are trying to
23 understand whether there was
24 medical school education in the

1 United States.

2 MR. SWATE: That's not what
3 -- what you're trying to do is ask
4 that question and then leap frog
5 to make like that's the campus.

6 Give me your definition of
7 what a campus is and then give me
8 the cases in which you've allowed
9 campuses to operate outside of
10 their original address.

11 MS. McENROE: Perhaps your
12 client, if we would be allowed,
13 could provide us an explanation of
14 what he meant by campus in this
15 e-mail because the committee is
16 interested in hearing that.

17 MR. SWATE: I would like to
18 know what your definition of
19 campus is.

20 MS. McENROE: He's the one
21 who used the word here. I'm
22 interested to know what he means
23 by it.

24 MR. SWATE: I'm asking you,

1 what's your definition of campus?
2 Secondly, what's the exceptions to
3 having an off-site campus?

4 MS. McENROE: We appreciate
5 you being here today. We're
6 working on trying to understand
7 the facts and circumstances in
8 this case. Apparently, we're
9 going to be left with a cold
10 record because your client is
11 refusing to answer any questions.

12 I think at this time it
13 makes sense, unless there's any
14 closing statement you want to
15 make, that we adjourn.

16 MR. SWATE: ECFMG is
17 adjourning this without us having
18 the ability to go through their
19 efforts.

20 MS. McENROE: Is there
21 anything in particular you want to
22 go through? We provided this to
23 you --

24 MR. SWATE: I want to go

1 through the whole thing.

2 MS. McENROE: Start on page
3 one. What is it you want to talk
4 to us about it?

5 MR. SWATE: The matter has
6 been brought to the CIE's
7 attention. Where is the letter or
8 whatever information was brought
9 to the attention?

10 MS. McENROE: We're not here
11 to answer questions, sir. If you
12 have a closing statement or
13 something specific you want to
14 point out to us so we understand
15 the allegations better that are
16 lodged against your client, that
17 would be helpful.

18 That's why we're here today,
19 the due process you're saying that
20 you wanted. We're here to try to
21 understand what it is that you're
22 trying to do here.

23 And candidly, I appreciate
24 you advocating on behalf of your

1 client. It's not productive here
2 if we can't understand the
3 underlying facts as your client
4 means them and wants ECFMG to
5 understand them.

6 So if this is your position
7 that you're just going to come
8 here and obstruct, then that's
9 just how it's going to be and
10 we're not wasting this committee's
11 time. They have a busy agenda,
12 and we've got to keep going.

13 MR. SWATE: It's a waste of
14 the committee's time when you're
15 going to destroy somebody's good
16 name and good reputation without
17 telling them what you're claiming.
18 At least in Texas, before we
19 execute somebody, we at least tell
20 them what the claim is for
21 executing them.

22 You've refused. You've
23 stone walled me on the procedures.
24 I've asked for written procedures

1 for this committee. Apparently,
2 there's none. It's whatever you
3 want to make them.

4 MS. McENROE: Sir, you've
5 gotten the policy and procedures
6 on irregular behavior multiple
7 times. You'd like to say that the
8 record says what you say it says.
9 It just doesn't.

10 We're trying to follow the
11 best procedure we possibly can,
12 and you and your client are
13 obstructing us in being able to
14 collect the information. At this
15 point, I don't think that it's
16 productive to continue the
17 proceeding.

18 MR. SWATE: We're entitled
19 to know what procedure this
20 committee is operating under. You
21 just can't operate under whatever
22 you want to make it.

23 MS. McENROE: You've gotten
24 the policies and procedures.

1 MR. SWATE: No, I haven't.
2 I've gotten --

3 MS. McENROE: They're
4 available on the Internet.

5 MR. SWATE: I have received
6 broad statements, you can do
7 whatever you want.

8 MS. McENROE: The record
9 will reflect --

10 MR. SWATE: And that's not a
11 written policy and procedure. And
12 that will not stand up under any
13 theory.

14 MS. McENROE: We've provided
15 them to you in writing and the
16 link to the URL where they are
17 available publically on the
18 Internet. I don't think at this
19 point there's anything else that's
20 worth us discussing at this
21 moment. Thank you.

22 MR. SWATE: You're
23 terminating --

24 MS. McENROE: Yes, I'm

1 terminating the proceeding.

2 MR. SWATE: ECFMG is
3 terminating this prior to us
4 presenting our evidence.

5 MS. McENROE: We asked you
6 to present evidence, and all you
7 did was present legal argument.

8 What's your offer of proof?
9 What would you like to provide?

10 MR. SWATE: We'll go through
11 every page of this.

12 MS. McENROE: In particular,
13 what would you like to provide?

14 MR. SWATE: First, I'd like
15 to know who Ms. Sara Colins is?

16 MS. McENROE: From the
17 Florida Department of Education?

18 MR. SWATE: I don't know who
19 this is.

20 MS. McENROE: So what
21 evidence is that that you are
22 presenting to us?

23 MR. SWATE: I'm asking your
24 evidence. You're the one

1 presenting the evidence and I'm
2 asking what it is?

3 MS. McENROE: You're not
4 providing any evidence. So thank
5 you for coming today, Dr. Tulp.
6 We appreciate it.

7 MR. SWATE: So you're
8 adjourning the --

9 MS. McENROE: Yes, I'm
10 adjourning the proceeding.

11 - - -

12 (Whereupon, the hearing
13 concluded at approximately 10:39
14 a.m.)

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C E R T I F I C A T E

I hereby certify that
the witness was duly sworn by me and that
the deposition is a true record of the
testimony given by the witness.

LISA CAPALDO

Dated:

(The foregoing certification of this
transcript does not apply to any
reproduction of the same by any means,
unless under the direct control and/or
supervision of the certifying shorthand
reporter.)



EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES

3624 Market Street
Philadelphia PA 19104-2685 USA
215-386-5900 | 215-386-9767 Fax
www.ecfmg.org

PERSONAL AND CONFIDENTIAL
VIA EMAIL: o.tulp@usat.edu

December 14, 2018

Dr. Orien L. Tulp
Professor and President
University of Science, Arts & Technology (USAT) Faculty of Medicine
Main Campus
S. Mayfield Estate Drive
Olveston
MONTSERRAT

Dear Dr. Tulp:

I am writing to inform you that the ECFMG Medical Education Credentials Committee ("ECFMG Committee") has completed its review of the allegation that you, individually and in your capacity as an official of University of Science, Arts & Technology (USAT) Faculty of Medicine, Montserrat, engaged in irregular behavior in connection with providing false information to ECFMG. Specifically, you provided false information to ECFMG when you (1) notified ECFMG that USAT does not operate a branch campus in Miami, FL and (2) certified to the attendance dates of several USAT students and graduates when ECFMG has information that these students were not attending USAT during some of the time periods to which you certified.

In advance of the review, the members of the ECFMG Committee were provided with the documents listed in ECFMG's October 18, 2018 letter and ECFMG's November 14, 2018 emails. A hardcopy of the complete file was also sent to your attorney, Mr. Tommy Swate, on November 16, 2018 via Federal Express. On November 16, 2018, Mr. Swate acknowledged receipt of this complete file. You made a personal appearance before the ECFMG Committee accompanied by your legal counsel, Mr. Swate. A copy of the transcript of the proceedings will be sent to you as soon as it is available.

The ECFMG Committee considered the documentation presented to it and Mr. Swate's statements. Following careful review, the ECFMG Committee determined that you engaged in irregular behavior in connection with providing false information to ECFMG.

The ECFMG Committee has determined that ECFMG will not accept any documents signed / certified by you for ECFMG on behalf of USAT, or any other medical school, for a minimum of five years from today; thereafter, the prohibition shall end only upon a petition to ECFMG conclusively demonstrating to the satisfaction of the ECFMG Committee a familiarity with, and willingness to adhere to, ECFMG policies. Your ECFMG Medical School Web Portal (EMSWP) account will remain deactivated.

In light of the ECFMG Committee's findings, the ECFMG Sponsor Note for USAT in the *World Directory of Medical Schools (World Directory)* will be updated as follows:

Dr. Orien L. Tulp
December 14, 2018
Page 2 of 2

In 2018, ECFMG determined that a certain official of the University of Science Arts & Technology engaged in irregular behavior in connection with providing false information to ECFMG.

This note will remain in USAT's ECFMG Sponsor Note in the *World Directory* for five years, regardless of whether USAT changes its name, ownership, and/or location.

Additionally, in accordance with the ECFMG *Policies and Procedures Regarding Irregular Behavior*, a permanent annotation that you engaged in irregular behavior will be included in your ECFMG record. ECFMG may report the ECFMG Committee's determination of irregular behavior to the Federation of State Medical Boards of the United States, U.S. state and international medical licensing authorities, directors of graduate medical education programs, and to any other organization or individual who, in the judgment of ECFMG, has a legitimate interest in such information.

As noted in the enclosed ECFMG *Rules of Appellate Procedure*, decisions of the ECFMG Medical Education Credentials Committee may be appealed within the 30-day time period specified.

Sincerely,

A handwritten signature in black ink, appearing to read "William W. Pinsky". The signature is fluid and cursive, with the first name "William" and last name "Pinsky" clearly distinguishable.

William W. Pinsky, MD FAAP FACC
President and CEO

CC: Tommy Swate, Esq. swatemd@aol.com
William Reil, Esq. billreillaw@gmail.com

Encl: As noted.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DR. ORIEN L. TULP,)	
)	
Plaintiff,)	Case No. 2:18-cv-05540-WB
)	
v.)	Hon. Wendy Beetlestone
)	
EDUCATIONAL COMMISSION FOR)	
FOREIGN MEDICAL GRADUATES and DR.)	
WILLIAM W. PINSKY,)	
)	
Defendants.)	

**DECLARATION OF KARA CORRADO IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S MOTION FOR A PRELIMINARY AND/OR
PERMANENT INJUNCTION**

I, Kara Corrado, declare as follows:

1. I am currently employed as the Vice President for Operations at the Educational Commission for Foreign Medical Graduates ("ECFMG"). I have been employed in various capacities at ECFMG since 2004.

2. I make this Declaration in connection with the above-captioned action. I have personal knowledge of the facts stated herein and if called as a witness could and would testify to those facts.

3. Beginning in September 2018, students and graduates of University of Science, Arts and Technology ("USAT") seeking services related to ECFMG Certification were required to complete and submit an affidavit attesting to the accuracy of the medical school information provided to ECFMG.

4. Ultimately, more than 300 USAT students and graduates submitted affidavits to ECFMG indicating that they took classes in the United States. None of the students indicated that he or she took all of his or her basic science courses in Montserrat.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge.

EXECUTED: January 10, 2019


Kara Corrado

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

ORIEN L. TULP,

Plaintiff,

v.

EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES, et
al,

Defendants.

Case No. 2:18-cv-05540-WB

Philadelphia, Pennsylvania
January 24, 2019
2:03 p.m.

TRANSCRIPT OF PRELIMINARY INJUNCTION HEARING
BEFORE THE HONORABLE WENDY BEETLESTONE
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

For the Plaintiff:

Tommy Swate, Esquire
403 Wild Plum
Houston, TX 77013

William C. Reil, Esquire
1515 Market Street, Suite 1200
Philadelphia, PA 19102

For the Defendants:

Elisa P. McEnroe, Esquire
Matthew D. Klayman, Esquire
Caitlyn Barrett, Esquire
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Court Recorder:

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transcript produced by transcription service.

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1 (Call to order at 2:03 p.m.)

2 THE COURT RECORDER: All rise. Court is now in
3 session, the Honorable Wendy Beetlestone presiding.

4 THE COURT: Good afternoon, have a seat.

5 MR. REIL: Good day, Your Honor.

6 THE COURT: This is the matter of Tulp v.
7 Educational Commission for Foreign Medical Graduates. It's a
8 hearing on the preliminary injunction. Can I have some
9 introductions, please?

10 MR. REIL: I'm William C. Reil for the Plaintiff.
11 You introduce yourself.

12 MR. SWATE: Tommy Swate for the Plaintiff.

13 THE COURT: Okay. This is the Plaintiff Mr. Tulp,
14 Dr. Tulp?

15 MR. TULP: I'm Orien Tulp, the Plaintiff.

16 THE COURT: Okay. Defense?

17 MS. MCENROE: Good afternoon, Your Honor, Elisa
18 McEnroe for Morgan Lewis on behalf of the Educational
19 Commission for Foreign Medical Graduates and Dr. Pinsky, both
20 of the Defendants.

21 Today with me, I have my colleagues Matt Klayman and
22 Caitlyn Barrett. I also have the General Counsel for ECFMG
23 Francine Katz here at the table with us.

24 THE COURT: Okay.

25 MS. MCENROE: And we have two fact witnesses, who

1 requested to attend as well, Ms. Kara Corrado and Lisa Cover,
2 two executives from ECFMG.

3 THE COURT: Okay. So before we begin, I just want to
4 clarify exactly what we're doing here today. So in looking at
5 the complaint, it is a little unclear to me as exactly what
6 causes of action are being asserted. And what I glean from it,
7 and Mr. Reil or Mr. Swate, you should tell me if I'm incorrect.

8 The first cause of action is tortiously interfering
9 with the contract between the students of USAT and against
10 ECFMG. And that is a common law tortious interference with
11 contract claim; is that correct?

12 MR. REIL: Yes, Your Honor.

13 THE COURT: Okay. Next one as I understand it is
14 it's a violation of due process claim against -- do I refer to
15 you as ECFMG or ECF? Or what's the best way of --

16 MS. MCENROE: ECFMG would be our preferred acronym,
17 but whatever works for Your Honor.

18 THE COURT: That's fine. Okay, violation of due
19 process against ECFMG, which appears to be a §1983 claim
20 alleging that ECFMG violated Tulp's procedural due process
21 rights as protected by the 14th Amendment; is that correct?

22 MR. REIL: Yes, Your Honor.

23 THE COURT: And then the third cause of action,
24 fraudulent misrepresentation, abuse of process, and negligent
25 representation against ECFMG appears to be three separate

1 common law claims -- common law fraud, common law abuse of
2 process, and common law negligent misrepresentation. Is that
3 correct?

4 MR. REIL: Yes, Your Honor.

5 THE COURT: And then finally, the fourth cause of
6 action, a violation of procedural and substantive due process
7 against all Defendants appears to be a §1983 claim alleging
8 that Defendants violated Tulp's procedural and substantive due
9 process rights as protected by the 14th Amendment. Is that
10 correct?

11 MR. REIL: Yes, Your Honor.

12 THE COURT: Okay, and in terms of this hearing today,
13 are you proceeding under each of the causes of action or any
14 particular one?

15 MR. REIL: I think we're -- I think the emphasis
16 today will be on the lack of due process. I won't say we're
17 not proceeding on the others, but I think that would be
18 featured as --

19 THE COURT: So procedural and substantive due
20 process. So that is the second and the fourth cause of action?

21 MR. REIL: I think there are -- they'll be our main
22 arguments, yes.

23 THE COURT: Okay, and if I look at your motion, I
24 believe it is for a preliminary and a permanent injunction.

25 MR. REIL: Yeah, and/or a permanent.

1 THE COURT: And/or a permanent. Now obviously, at
2 this stage, I'm not going to -- it's way too early in the game
3 for a permanent injunction. So we are going to proceed under
4 the preliminary injunction rubric.

5 MR. REIL: That's fine.

6 THE COURT: Okay, so your first witness, or if you
7 want to make an argument, up to you.

8 MR. REIL: I think, given the time constraints we
9 have here, maybe we would just call the first witness. I'd
10 like to -- there's two witnesses here from ECFMG.

11 I'd like to make the motion for sequestration. I'm
12 going to call Ms. Corrado. The other witness I believe is Ms.
13 Cover. I request that she be submit --

14 THE COURT: Any objection to sequestering Ms. Cover?

15 MS. MCENROE: No objection.

16 THE COURT: Ms. Cover, could you please leave the
17 courtroom and wait outside?

18 Ms. Corrado, could you please approach the bench?
19 The witness chair is there.

20 And Mr. Mani, please swear the witness.

21 THE COURT RECORDER: Please raise your right hand.
22 State and spell your name for the record?

23 THE WITNESS: Kara Corrado, K-A-R-A C-O-R-R-A-D-O.

24 KARA CORRADO

25 called as a witness for the Plaintiff, having been duly sworn

1 testified as follows:

2 THE COURT: Have a seat.

3 THE WITNESS: Thank you.

4 THE COURT: Mr. Reil, your witness.

5 DIRECT EXAMINATION

6 BY MR. REIL:

7 Q Ms. Corrado, I understand you're employed by ECFMG
8 and I know I'm going to get the initials wrong a couple times.
9 Sometimes even though I realize I'll refer them as the board,
10 although I know the board is only part of them.

11 All right, can you tell the Court what you do for ECFMG?

12 A Yes. I am the vice president for operations at
13 ECFMG.

14 Q Okay, and what are those -- what are your duties?

15 A I am primarily responsible for oversight of our ECFMG
16 certificate program, as well as a primary source verification
17 for some of our international clients, and oversight of our
18 special investigations team and medical education resources
19 team.

20 Q I understand you're an attorney, is that --

21 MR. REIL: Your Honor, I'd ask -- I didn't -- I'd ask
22 that I be able to use leading questions with this witness.
23 She's a managerial employee of the Defendant and she's sent
24 several letters to the -- involving this case to the Plaintiff?

25 MS. MCENROE: Your Honor, if I may? If the request

1 is to cross-examine the witness, I have no objection being that
2 it's our witness. If the request is to be hostile to the
3 witness, I have an objection.

4 MR. REIL: I'm not going to --

5 THE COURT: Well --

6 MR. REIL: -- use the term hostile.

7 THE COURT: Well, I think we should be clear that in
8 my courtroom, hostility towards a witness is completely
9 forbidden. Cross -- vigorous cross-examination is allowed.

10 MS. MCENROE: No objection to that.

11 THE COURT: And given that there's no objection, you
12 should cross-examine. And the aim of the allowing you to
13 cross-examine a witness is simply to get things done as quickly
14 as possible.

15 MR. REIL: I understand.

16 BY MR. REIL:

17 Q I don't know if I asked you, you're an attorney?

18 A I have a J.D. from Temple University.

19 Q Okay, now can you describe for the record briefly
20 what is ECFMG? I'll call them the board.

21 A ECFMG is the Educational Commission for Foreign
22 Medical Graduates. We are a nonprofit, private organization
23 that was established initially to screen international medical
24 graduates, who were coming to the United States seeking
25 residency programs, you know, and turns into graduate medical

1 education.

2 Q Is ECFMG an accrediting agency?

3 A No, sir.

4 THE COURT: Did you say no?

5 THE WITNESS: No.

6 THE COURT: No.

7 BY MR. REIL:

8 Q Okay, am I correct that a foreign medical student
9 cannot practice as a physician in the United States without
10 certification by ECFMG? Is that substantially correct?

11 A Generally, the licensing boards in the United States
12 will require ECFMG certification for international medical
13 graduates, but it's the discretion of each state board who they
14 license. But generally, yes, they require ECFMG certification.

15 Q And I -- and we'll probably be using this term a lot,
16 what does that mean ECFMG certification? What exactly is it
17 that they certify?

18 A So in order to obtain ECFMG certification, an
19 international medical graduate must meet the requirements for
20 certification.

21 And roughly, there are two such requirements. There are
22 examination requirements and there are medical education
23 requirements.

24 Q And ECFMG certifies these things to state medical
25 boards?

1 A So we certify the individuals. So if the individual
2 meets those requirements, they will issued a certificate. That
3 certificate is what they can use then as part of the
4 requirements to get into a graduate medical education program
5 and to be able to take Step 3 of the USMLE and then to --
6 ultimately to be licensed.

7 Q So undergraduates, foreign undergraduate students and
8 even graduates register with the -- ECFMG; is that correct?

9 A If they are seeking entrance to graduate medical
10 education in the United States, then yes, they would have to
11 come through ECFMG.

12 Q Now Dr. Tulp had a hearing here in Philadelphia where
13 ECFMG is located at 36th and Market on November 28th of this
14 year, correct?

15 A The meeting was actually at the Rittenhouse Hotel.

16 Q Oh, right, it was your -- I stand corrected.

17 A That's okay.

18 Q It was the Rittenhouse Hotel that day. Well, you
19 were present at that immediate meeting?

20 A Yes, sir.

21 Q Okay, and Ms. Cover was present at that meeting?

22 A She was.

23 Q And Dr. Pinsky --

24 A Yes.

25 Q -- was present at that meeting?

1 A Yes.

2 Q Okay, now Dr. Tulp, that was a hearing for what's
3 called irregular behavior, correct?

4 A Yes.

5 Q Before we talk about that, is Dr. Tulp -- is he a
6 foreign medical student that's registered with the ECFMG?

7 A No.

8 Q Well, does he have some sort of a contract with
9 ECFMG?

10 A Not that I'm aware of.

11 Q All right. Did he ever agree to submit himself in
12 any way to ECFMG?

13 A I don't know if I understand, I'm sorry. The --

14 Q Well, did Dr. Tulp ever say I agree that ECFMG has
15 power over me to determine whether I have met irregular
16 behavior? Is there any documents or verbal agreements like
17 that?

18 A Not that I'm aware of.

19 Q I see. All right. Is -- to your knowledge, well, I
20 don't want you to speak for your -- to your knowledge, has
21 anyone from ECFMG ever visited the school, which Dr. Tulp is
22 the president of, the USAT? Has anybody ever visited the
23 school do you know, inspection?

24 A Not that I'm aware of.

25 Q Okay, now the school in USAT, am I correct that it's

1 been in existence since about 2003, roughly about 15 years?
2 Were you aware of that?

3 A I'm aware that we received a copy of a charter for
4 USAT, which shows that it was incorporated in 2003, I believe,
5 yes.

6 Q A charter from the government of Montserrat?

7 A Yes, sir.

8 MR. REIL: Okay, well, maybe with the Court's
9 permission, can I give the witness proposed exhibits that I
10 made, one of the notes?

11 THE COURT: You may.

12 MR. REIL: May approach?

13 THE COURT: You may.

14 BY MR. REIL:

15 Q Will you take a moment to look at those and I'll have
16 further questions. And you were talking about, well, why don't
17 you take a look at Exhibit 3 -- Exhibit C --

18 A Uh-huh.

19 Q -- on page 5 of the packet that I submitted to you?
20 Tell me when you have it.

21 A I have it, sir.

22 Q Okay, now that's several pages and I'm not going to
23 ask you to read through that before. Do you know whether that
24 is a -- an agreement between -- with the government of
25 Montserrat basically authorizing USAT?

1 A My understanding is that this --

2 THE COURT: Wait, wait, hold on a second. Before you
3 ask substantive questions about a particular document, you must
4 seek to have it admitted.

5 MR. REIL: Yes, Your Honor, okay. Let me lay a
6 foundation here. Are you --

7 THE COURT: Well, let's see if we can -- would you
8 stipulate to the admissibility of this document?

9 MS. MCENROE: I would stipulate that this is a
10 document that Dr. Tulp submitted to ECFMG. I don't know that
11 we have the ability to stipulate to authenticity beyond that.

12 THE COURT: Would you oppose its admissibility?

13 MS. MCENROE: For these purposes today, no.

14 THE COURT: Just for the -- okay, so for the purposes
15 only of this preliminary injunction hearing, it is admitted.
16 You can ask substantive questions.

17 (Plaintiff's Exhibit C admitted into evidence)

18 MR. REIL: Okay.

19 BY MR. REIL:

20 Q All right, to your knowledge, is this document
21 essentially a document from the government of Montserrat, where
22 ECFMG has its main presence authorizing ECFMG to operate as a
23 medical college?

24 MS. MCENROE: Objection, Your Honor. We would only
25 ask for clarification that in the last question both instances

1 of use of ECFMG, I don't mean to be presumptuous, but that
2 counsel intended to USAT as opposed to --

3 MR. REIL: Yes, I did, Your Honor.

4 THE COURT: Sustained, sustained. Why don't you
5 repeat the question?

6 MR. REIL: Okay.

7 BY MR. REIL:

8 Q All right, have you seen this document before?

9 A Yes, sir.

10 Q What is it?

11 A It is a copy of what appears to be the charter for
12 USAT with the government of Montserrat.

13 Q Thank you. All right, I would move that into
14 evidence at this time.

15 THE COURT: That had been admitted. You can go
16 ahead.

17 BY MR. REIL:

18 Q Okay, all right. Now why don't you take a look, if
19 you would, at what's Exhibit D in the packet and to the
20 complaint at page 10. Okay, it appears to be an affidavit. Do
21 you recognize it?

22 A Yes, sir.

23 Q Who issued it?

24 A ECFMG.

25 Q Okay, and for what purpose?

1 A ECFMG requested the students and graduates of USAT to
2 complete the affidavit attesting to their medical school
3 attendance.

4 Q I see.

5 A So we could determine in what location they took
6 their basic sciences.

7 Q And I see on this affidavit, if you go about
8 two-thirds of the way down, you see where it says I'm attaching
9 the following documentation. Do you see that?

10 A Yes.

11 Q So this is an affidavit that also requests passports,
12 airline tickets, various documents, correct?

13 A Yes.

14 Q Okay. Now at the hearing, when we arrived at the
15 hearing at the Rittenhouse Square in November 28th, we were
16 given a big black book of exhibits. Are you familiar with the,
17 you know, that that happened?

18 A Yes.

19 Q Okay, and we hadn't seen that black book before the
20 hearing, correct?

21 A No.

22 Q No.

23 A That's not correct.

24 Q All right now, were affidavits in the hearing? Were
25 affidavits in the black book at the hearing?

1 A Yes.

2 Q Okay, a couple hundred of them, correct?

3 A Yes.

4 Q Okay, and many of them were redacted, were they not?

5 A They were.

6 Q Okay. So our -- we were given affidavits purportedly
7 from our students with the names redacted, correct?

8 A That's correct.

9 Q Okay. How are we supposed to investigate what those
10 students said in the affidavit?

11 A We redacted the names of the students --

12 Q Uh-huh.

13 A -- but not the attendance dates information --

14 Q Okay.

15 A -- to demonstrate that there was a significant number
16 of students.

17 Q Well, on a particular affidavit that was redacted,
18 was there any way for Dr. Tulp to contact that student to see
19 if the information was accurate?

20 MS. MCENROE: Objection, Your Honor. I just want to
21 -- I wasn't sure if the witness was finished with her last
22 answer before the question began. I just want to --

23 THE COURT: Were you finished with your answer?

24 THE WITNESS: With respect to the affidavits?

25 THE COURT: Correct.

1 THE WITNESS: Yes. Sorry. Yeah, it's okay.

2 MS. MCENROE: I'm sorry about that.

3 BY MR. REIL:

4 Q Okay, so these affidavits were used by is it fair to
5 say the board or ECFMG to investigate irregular behavior
6 against Dr. Tulp?

7 A So the affidavits were presented to the board of
8 trustee -- the redacted affidavits were presented to the board
9 of trustees to demonstrate that a significant number of the
10 students that had returned the affidavits to us indicated that
11 they did not do their basic sciences in Montserrat.

12 There were a number of affidavits that were also included
13 that were not redacted and those were specifically to show the
14 instances where Dr. Tulp has provided information that
15 conflicted with the affidavit information that we got from the
16 students.

17 Q Did the -- I think there was a board of several
18 doctors if I remember. Did they receive the affidavits prior
19 to the hearing?

20 A Yes, they received the same materials that you
21 received.

22 Q So the affidavits were used as an investigative
23 material by ECFMG to give to the board?

24 A I mean, they were used as support --

25 Q Okay.

1 A -- to the allegation that we made, yes.

2 Q All right. Okay, so ECFMG did the investigation in
3 this case and then they submitted it to the board of ECFMG,
4 correct?

5 A Yes, ECFMG staff, that's our normal procedure in
6 these types of cases.

7 Q So that there was no distinction in the way this
8 proceeding went, the proceeding for irregular behavior. There
9 was distinct between the investigatory and the adjudicatory.
10 It was all ECFMG? Do you understand my question?

11 MS. MCENROE: Objection. Objection, Your Honor, to
12 the extent it calls for a legal conclusion. I'm not quite sure
13 counsel's getting at with that question.

14 THE COURT: Sustained.

15 BY MR. REIL:

16 Q Did ECFMG employ outside investigators?

17 A I'm sorry?

18 Q In the -- with reference to the irregular charges
19 against Dr. Tulp, did ECFMG employ outside investigators?

20 A In our review of the school, yes.

21 Q Okay, did they visit the school?

22 A That's my understanding.

23 Q They did?

24 A Yes.

25 Q Okay. Did we receive at the hearing the identity of

1 those investigators and any report from them?

2 A No.

3 Q Okay. Now let me ask you this. Okay, why don't you
4 take a look at page 4, if you will, that's Exhibit B.

5 A Yes.

6 Q Would you tell the Court what that is?

7 A This, sir, is a -- appears to be a screenshot of the
8 listing in the World Directory of Medical Schools for USAT.

9 Q Okay, and do you see there where it says, oh, about a
10 little more than a halfway down, note as of January 1st?

11 A Yes, sir.

12 Q Would you read that into the record?

13 MR. REIL: It's short, Your Honor.

14 BY MR. REIL:

15 Q Just that sentence and I'll have a follow up
16 question.

17 A Yes. "Note, as of January 1st, 2019, students and
18 graduates of this medical school with a graduation year of 2019
19 and later are not eligible to apply to ECFMG for ECFMG
20 certification, which also renders them ineligible to apply to
21 ECFMG for the United States medical licensing examinations as a
22 step towards ECFMG certification."

23 Q Okay, and this went on this World Directory of
24 Medical Schools website?

25 A I'm -- did you just ask me -- I'm sorry, did you ask

1 me if it was present there?

2 Q Yes?

3 A Yes.

4 Q This is where --

5 A Yes, it is.

6 Q So students could see this, anybody could see it,
7 right?

8 A Yes, correct.

9 Q Okay. Now the hearing involving irregular behavior
10 was on November 28th of 2018. This was published, this meaning
11 the document that we just referred to here about the World
12 Directory of Medical Schools, this was put on the website well
13 before the hearing, wasn't it?

14 A Yes.

15 THE COURT: Let me clarify that. When you say this
16 was put on the website, do you mean that the note was included
17 in the website entry or that the entry was included in the
18 website?

19 THE WITNESS: The note, Your Honor, was published on
20 the entry.

21 THE COURT: Prior to the hearing?

22 THE WITNESS: Prior to the hearing, yes.

23 BY MR. REIL:

24 Q All right. All right, now let's talk about the
25 hearing on November 28th. The hearing was supposed to take

1 place over a time span of 20 minutes, correct?

2 A Yes, that's our usual procedure for --

3 Q Right, right.

4 A -- those types of hearings.

5 Q Did the ECFMG Board of Physicians present any
6 witnesses at the hearing?

7 A No, that -- we don't normally present witnesses at
8 our hearings.

9 Q I see, did the ECFMG board present any documents at
10 the hearing?

11 A No, the documents are always produced before the
12 hearing.

13 Q Okay, what documents were produced at the hearing?

14 A So we -- so ECFMG staff, whenever we have allegations
15 irregular behavior and individuals who are coming to make a
16 personal appearance as Dr. Tulp did, as a courtesy to them, we
17 always provide a copy of the materials that we have previously
18 sent to them at the meeting, so that if they are questioned
19 about a document, they can reference it there if they haven't
20 brought it themselves.

21 Q At this particular point hearing on November 28th,
22 isn't it a fact, Ms. Corrado, that no documents were entered
23 into evidence at the hearing by ECFMG?

24 MS. MCENROE: Objection, Your Honor. To the extent
25 it calls for a legal conclusion, the concept of evidence sounds

1 poor and legalish when this was more of an administrative
2 proceeding by a private not-for-profit entity.

3 MR. REIL: If I may, Your Honor, this person's an
4 attorney. They've been involved in the situation. I'm simply
5 asking, and she was at the hearing, did she observe or did she
6 acknowledge of any documents being entered into evidence at the
7 hearing.

8 THE COURT: Is there any process whereby documents
9 get introduced into evidence at such a hearing?

10 THE WITNESS: No, we don't have a process like that.

11 THE COURT: So in this case, there was no evidence
12 that was introduced into --

13 THE WITNESS: No.

14 THE COURT: -- there were no documents that were
15 introduced into evidence, because there was no process to do
16 that?

17 THE WITNESS: Correct.

18 THE COURT: Okay, go ahead.

19 BY MR. REIL:

20 Q Testimony, Ms. Corrado, you were at the hearing. Was
21 there any testimony entered -- was there any testimony
22 presented at the hearing?

23 A No, because my recollection was that counsel would
24 not let Dr. Tulp give any testimony.

25 Q All right.

1 THE COURT: As in his counsel?

2 THE WITNESS: As in his counsel.

3 THE COURT: As in his counsel.

4 BY MR. REIL:

5 Q Now in any of the materials that were sent to us from
6 ECFMG, did any of them address Dr. Tulp was being "tried" for
7 irregular behavior, did any -- do any materials from ECFMG
8 indicate which side Dr. Tulp or the board has the burden of
9 proof?

10 A So our irregular behave -- we have a set of irregular
11 behavior procedures that were sent with the letter that details
12 the allegation.

13 We provided -- we list in the letter all of the
14 information that we have to support the allegation, evidence,
15 if you will and we provide that to the individual. And then
16 the individual has to provide an explanation and can come to
17 the hearing to provide an explanation if they wish.

18 Q ECFMG brought charges of irregular behavior against
19 Dr. Tulp. Did they ever send out any sort of a letter, notice,
20 document to Dr. Tulp or his attorneys indicating who had the
21 burden of proof at the hearing?

22 A We sent a letter that outlined the allegation and
23 asked for Dr. Tulp's response to that allegation. We did not
24 use the phrase "you have the burden of proof", but we outlined
25 what the allegation is and asked for a response.

1 Q Okay.

2 A And then presented him with an opportunity to appear
3 personally at the hearing to respond to the allegations of
4 irregular behavior and to answer any questions that our board
5 of trustees may have had.

6 Q But nowhere in its description of the hearing did
7 ECFMG ever indicate that the burden of proof was on ECFMG or on
8 Dr. Tulp? Do I have that right?

9 A Yes.

10 Q All right, now ECFMG sent us a -- sent us the -- Dr.
11 Tulp and his attorneys, they sent us a transcript of the
12 November 28th hearing. Were you aware of that?

13 A Yes.

14 Q Okay, does it indicate anywhere in those 32 pages
15 that any evidence was introduced by ECFMG at the November 28th
16 hearing?

17 MS. MCENROE: Your Honor, if I may object? There is
18 a transcript of the proceeding that I would request be entered
19 into evidence to serve as the record of what actually happened
20 in that proceeding as the best evidence.

21 THE COURT: Oh, you can do that in -- when you take
22 over the witness if you like.

23 MS. MCENROE: Sure.

24 THE COURT: You can continue to ask your questions.

25 MR. REIL: Okay. I happen to have a copy of the

1 transcript here, which I'd like to mark as Exhibit H, with the
2 Court's permission and show it to the witness?

3 THE COURT: Go ahead.

4 BY MR. REIL:

5 Q Ms. Corrado --

6 MR. REIL: Oh, may the record reflect that I've
7 handed the witness the exhibit, that I've handed -- I think it
8 goes the other way around, I've handed the exhibit to the
9 witness, okay.

10 BY MR. REIL:

11 Q All right, you have the transcript of the hearing
12 there, 32 pages. Can you point to somewhere in the transcript
13 where ECFMG is offering any evidence against Dr. Tulp?

14 THE COURT: I need you to ask a more focused
15 question. You can't ask her to look through 32 pages of
16 transcript at this point.

17 MR. REIL: Okay, all right.

18 BY MR. REIL:

19 Q You were at the hearing, correct?

20 A Yes.

21 Q Okay, do you have any recollection of ECFMG through
22 its -- ECFMG entering any evidence into the record at the
23 November 28th hearing?

24 A No, because we don't -- that's not part of our
25 process. We provide the evidence in advance to both the board

1 and the individual.

2 Q All right, and the hearing was terminated by Ms.
3 McEnroe, correct?

4 A That's correct.

5 Q And is it fair to say, based on a administrative
6 record that contains no evidence, that Dr. Tulp was found
7 guilty of irregular behavior?

8 A I -- there was evidence presented at the meeting. So
9 I can't agree to that statement, because we did have evidence
10 presented to the parties before the meeting.

11 Q At -- I'm talking about evidence in the record at the
12 hearing? Was --

13 A We --

14 Q -- we established there wasn't.

15 A We don't have a process to enter evidence on a record
16 at our administration meetings.

17 Q But there's a transcript?

18 A There's a transcript when an individual makes a
19 personal appearance, we have a court reporter and we will --

20 Q All right.

21 A -- transcribe the appearance, yes.

22 Q All right. Was Dr. Tulp found guilty, and I'll use
23 the word guilty because it's not a criminal case in quotes, was
24 Dr. Tulp found guilty of irregular behavior on November 28th
25 based on any evidence in the record? And I'm talking about the

1 transcript.

2 THE COURT: Let me clarify that, because I don't
3 think it's good to use the term guilty. What is the term used
4 by --

5 MR. REIL: Culpable, Your Honor.

6 THE COURT: -- ECFMG in these contexts?

7 THE WITNESS: We determined that he engaged in
8 irregular behavior.

9 THE COURT: Okay.

10 THE WITNESS: So we made a determination of irregular
11 behavior.

12 BY MR. REIL:

13 Q My question is, is there anything in the -- from the
14 hearing or in the transcript that you recall that supports
15 that, any evidence in the record in the transcript?

16 A We don't --

17 Q I'm sorry.

18 A In the transcript, no, but the transcript is not the
19 evidence -- it's not all of the evidence that we present. When
20 someone makes a -- an appearance at the meeting, we take the
21 information that we have already collected.

22 And if they make a personal appearance, the committee can
23 consider the personal appearance that they make and any
24 statements that they make together to make a determination
25 about irregular behavior.

1 So the determination was made on the basis of the
2 appearance and the evidence that we provided to the individual
3 and to the board members to review.

4 Q Did Dr. Tulp say anything at the hearing?

5 A I don't recall him saying anything at the hearing.

6 Q We've used the phrase "irregular behavior" several
7 times here. Can you explain to the Court what irregular
8 behavior is?

9 A Yes, ECFMG generally defines irregular behavior as
10 any action or attempted action by an individual or on behalf of
11 an individual that could or would subvert the processes of
12 ECFMG.

13 So an example of an irregular behavior is providing false
14 information to ECFMG or providing false documents to ECFMG.

15 MR. REIL: So if I may have a moment, Your Honor.

16 BY MR. REIL:

17 Q If you would look at page 12, Exhibit 5. Do you have
18 that?

19 A Yes, yes, sir.

20 Q That's a letter of November 21st from you, Ms.

21 Corrado --

22 A Yes.

23 Q -- to my co-counsel Mr. Swate?

24 A Yes, sir.

25 Q Okay. And down I think in the last paragraph, it

1 says in support of its mission. I'd like to read that and ask
2 you a follow up question.

3 A Okay.

4 Q All right. "In support of its mission to protect the
5 public, individuals that have or have attempted to subvert
6 ECFMG's policies and procedures are subject to ECFMG's policies
7 and procedures on irregular behavior." Are you defining
8 irregular behavior there?

9 A In that particular sentence?

10 Q Yes, generally.

11 A I mean, we're saying individuals who have attempted
12 to subvert our policies and procedures are subject to the
13 irregular behavior policies and procedures.

14 Q Okay.

15 A And then we follow that with a link to the irregular
16 behavior policies and procedures, which has the definition of
17 irregular behavior contained within it.

18 Q Well, is there something more to the definition of
19 irregular behavior than what I've just read?

20 A There is a definition of irregular behavior included
21 in the irregular behavior policies and procedures, which is
22 mentioned in the next sentence in the link.

23 Q Okay.

24 A That had all the -- had already been provided to
25 counsel prior this November 21st letter.

1 Q Other than -- what does the link, if you know --

2 A Uh-huh.

3 Q -- what does it add to what's in that sentence, what
4 I just read you?

5 A I don't know it from the top of my head, but it
6 provides all of the definition of irregular behavior and all of
7 our policies and procedures about irregular behavior, what we
8 do when we allege irregular behavior, what the process is, et
9 cetera.

10 Q Uh-huh. Now how is an individual supposed to know
11 whether or not they've attempted to subvert ECFMG's policies
12 and procedures? How is a person supposed to know that?

13 MS. MCENROE: Objection, Your Honor. Calls for
14 speculation or a hypothetical.

15 THE COURT: Sustained.

16 BY MR. REIL:

17 Q Is that the definition of irregular procedure I just
18 read, give fair notice to an individual of what they're being
19 accused of?

20 MS. MCENROE: Objection, Your Honor. Misstates
21 testimony. I believe the witness just said that he had not
22 provided the whole definition of irregular behavior and she
23 could not recite it off the top of her head.

24 THE COURT: Sustained.

25 BY MR. REIL:

1 Q All right. And you can't tell us -- is there any
2 place where you can tell us if that -- let's strike that.

3 Is that is that definition of irregular behavior in your
4 letter to Dr. Swate, is that inaccurate?

5 A Is my statement in the letter inaccurate?

6 Q Yeah, what I just read in support of its mission?

7 A No, no.

8 Q Is that inaccurate?

9 A No.

10 Q Okay. Okay, now the -- we went over I think it's
11 Exhibit B, the placement in the World Directory of Medical
12 Schools I'll call it.

13 A Uh-huh.

14 Q Was there any indication as to whether or not Dr.
15 Tulp would be allowed to bring that up at his hearing?

16 A I don't know what Dr. Tulp would have brought up at
17 the hearing if he was --

18 Q Well, let's put it this way.

19 THE COURT: Let the witness finish.

20 BY MR. REIL:

21 Q Yes.

22 A If he testified, I don't know what he would have
23 brought up.

24 Q Okay, did you ever indicate that the placement
25 involving the World Directory of Medical Schools was not a

1 subject for the hearing?

2 A What I indicated was that the note that we placed in
3 the World Directory was not related to the allegation of
4 irregular behavior.

5 That is, it was related to our request for information
6 from USAT. USAT did not provide that information and we placed
7 that note into the World Directory at that time. It was not
8 related to the allegations of irregular behavior.

9 Q I see.

10 A So we did in the letter tell, I think, Mr. Swate.

11 Q Well, let's look at that letter that you wrote to Mr.
12 Swate. Would you go to page 23 of my exhibit pack.

13 A Uh-huh.

14 Q And I think that's the letter of 11/14/18 --

15 A Uh-huh.

16 Q -- to Dr. --

17 MR. REIL: Yeah, and a lawyer, Your Honor --

18 BY MR. REIL:

19 Q -- to Dr. Tommy Swate? It's under Exhibit G.

20 A Uh-huh.

21 Q Do you have that?

22 A I do.

23 Q Okay, by the way, at this hearing, were any witnesses
24 from the USAT besides Dr. Tulp allowed to be present?

25 A You mean on behalf of Dr. Tulp or?

1 Q Yes, on the 28th.

2 A So no.

3 Q No, okay, all right. How about students from the
4 USAT? Were they allowed to be present and testify?

5 A No, but that's part of our normal process when --

6 Q I see.

7 A -- we have an allegation of irregular behavior, we
8 don't let -- we don't typically permit anyone to bring
9 witnesses.

10 Q Okay, if you take a look at page 23 --

11 A Uh-huh.

12 Q -- in the letter of November 14th, 2018 to Mr. Swate?

13 A Uh-huh.

14 Q All right, down one, two, three, four paragraphs.

15 A Uh-huh.

16 Q Fourth paragraph, the second sentence, all right.
17 Let me read it to you and I'll have a follow up question.

18 A Okay.

19 Q It says, you write, "Nor is there any right to a
20 hearing with ECFMG for USAT for any matter." It's the next
21 sentence I'm interested in.

22 "ECFMG will not entertain any request to review the
23 actions that is taken with respect to USAT's sponsor note at
24 Dr. Tulp's irregular behavior here." And that's sponsor note,
25 we're talking about the Exhibit B we've already discussed,

1 right?

2 A That's correct.

3 Q Okay, now that decision to exclude that evidence from
4 the hearing, did Dr. Tulp have any input in that?

5 A Well, I sent it to his attorneys, so.

6 Q Okay. Well, was there a procedure whereby he could
7 object to that?

8 A There's no such procedure.

9 Q I see.

10 MR. REIL: Could I have one moment, Your Honor?

11 THE COURT: Mike, can you put that computer down on
12 the thing, on the podium? Put it down, I can't see.

13 MR. REIL: That's all the questions I have of this
14 witness at this time, Your Honor.

15 THE COURT: Cross?

16 Not that one. This one. This one here. Thank you.
17 And maybe put the microphone down.

18 MS. MCENROE: Your Honor, I was actually going to ask
19 if I could approach and approach the witness from the lectern
20 if that's okay with you?

21 THE COURT: That's fine, that's fine. I just
22 couldn't see above the computer monitor.

23 MS. MCENROE: Neither can I. So thank you.

24 (Counsel confer)

25 MS. MCENROE: May I approach the lectern, Your Honor?

1 THE COURT: You may.

2 CROSS-EXAMINATION

3 BY MS. MCENROE:

4 Q Good afternoon, Ms. Corrado.

5 A Hi.

6 Q You understand I'm counsel for the Educational
7 Commission for Foreign Medical Graduates and Dr. Pinsky today?

8 A Yes.

9 Q I'd like to ask you a couple questions about the
10 areas of testimony you were just asked about.

11 A Yes.

12 Q First, I'd like to give you a chance to clarify, if
13 you'd like to, about whether or not you are an attorney?

14 A I am not an attorney. I have a law degree, so I'm
15 not a practicing attorney.

16 Q Early on in the questioning from counsel for Dr.
17 Tulp, you were asked to question about the relationship, if
18 any, between ECFMG and Dr. Tulp, do you remember that
19 testimony?

20 A Yes.

21 Q In particular, you were asked if there was a contract
22 or any other kind of agreement. Do you understand that
23 testimony?

24 A Yes.

25 Q How is it that ECFMG has interfaced, if at all, with

1 Dr. Tulp?

2 A Dr. Tulp is one of the -- what we refer to as our
3 authorized signatory for USAT. So he -- I believe, and I'm
4 sorry if I get your title wrong, is the president and the dean
5 of USAT.

6 As such, he can certify documents or he was able to
7 certify documents and information to ECFMG on behalf of the
8 medical school.

9 For international medical schools that we interact with,
10 we will, once the school has established that it meets the
11 requirements for its students and graduates to be eligible for
12 ECFMG certification, we typically communicate with the school
13 officials, collect the information that we need from them in
14 order to be able to process the applications and the
15 certifications of their students. So in that way, we have
16 communicated with Dr. Tulp since I believe around 2003.

17 Q So speaking nuts and bolts in terms of Dr. Tulp doing
18 anything --

19 A Uh-huh.

20 Q -- that comes to ECFMG --

21 A Uh-huh.

22 Q -- can you explain that a little bit more just from a
23 practical standpoint?

24 A Yes, so the individuals who are students and
25 graduates of international medical schools would apply to ECFMG

1 to take the United States medical licensing examinations and
2 also need to submit their credentials, which includes their
3 final medical diploma and their final medical school
4 transcript.

5 ECFMG has to authenticate that information. We need to
6 authenticate whether you're actually a student at a school or
7 not.

8 And so Dr. Tulp would sign off on applications, saying to
9 ECFMG essentially this -- yes, this person is a student or is a
10 graduate at USAT and they've completed their basic sciences.

11 In the same way, he would complete forms for diplomas.
12 Yes, this diploma is authentic and fill out the information
13 that we require to verify the credentials of students and
14 graduates.

15 Q You testified in response to questions from counsel
16 about a finding of irregular behavior as against Dr. Tulp; is
17 that correct?

18 A That's correct.

19 Q Could you explain what action, if any, ECFMG took as
20 a result of that finding of irregular behavior against Dr.
21 Tulp?

22 A Yes, so ECFMG put a sanction on Dr. Tulp for a
23 minimum of five years that we will not accept any documents
24 from -- signed or certified by Dr. Tulp on behalf of USAT or
25 any other medical school for that period of time.

1 After that period of time expires, we will consider
2 accepting Dr. Tulp as a signatory again for medical school if
3 he meets certain requirements. And I'm sorry I don't have
4 them. I can't remember them off the top of my head, but
5 basically, that he satisfies the requirements that we have,
6 conditions that we have, to be able to accept him again.

7 Q Is it fair to say that the action taken by ECFMG in
8 light of the finding of irregular behavior with respect to Dr.
9 Tulp was limited to his role as an authorized signatory on
10 behalf of USAT to ECFMG?

11 A Yes, that's correct, I mean, if he still signs
12 transcripts for students, we wouldn't reject a transcript
13 because that's an official document of USAT, but we would need
14 another official from USAT to authenticate it.

15 Q And really just briefly, what is the process or how
16 hard is it to get somebody else to be, sorry, an authorized
17 official from USAT?

18 A We -- I mean, it's not that hard. We would just
19 reach out to the medical school to ask who would be able to
20 sign off for the school --

21 Q For --

22 A -- for just our, you know, vice dean, things like
23 that.

24 Q So USAT would not be disqualified then from having an
25 authorized signatory?

1 A Correct, that's correct.

2 Q You were asked some questions about a black binder --

3 A Yes.

4 Q -- being given to counsel for Dr. Tulp at a November
5 28th hearing. Do you remember that?

6 A Yes.

7 Q And I couldn't catch it in the testimony about your
8 explanation about whether those materials had been provided to
9 Dr. Tulp prior to the proceeding. Could you explain that?

10 A Yes, so we provide the materials to individuals prior
11 to the hearing. Those materials were sent via email to Dr.
12 Tulp's counsel.

13 And I got an acknowledgement that they were received by
14 email, but I also sent them by a hard copy by Federal Express,
15 too.

16 Q There was some discussion, sorry, there was some
17 discussion about certain materials being redacted in the
18 materials provided to Dr. Tulp.

19 A Uh-huh.

20 Q Can you explain why, please?

21 A So we put about over 300, I think, affidavits in the
22 materials. And we redacted their names, the individuals' names
23 on that bundle and their identification numbers, because we
24 wanted to -- we just wanted to make sure that we're protecting
25 the privacy of those students and that there would be no

1 adverse action taken against them for providing the information
2 to ECFMG.

3 Q And what was the purpose of sending the students
4 those affidavits?

5 A We sent the affidavits to the students, because we
6 wanted to determine where they had done their basic sciences.
7 We had had information that USAT was operating a campus in the
8 United States in Florida. And Dr. Tulp had indicated that that
9 was not correct.

10 So we still were getting information contrary to that. So
11 we decided to send the affidavit to the students to get
12 information from the students about where they actually did
13 their basic sciences.

14 Q Why, if at all, was it a concern for ECFMG about
15 where the USAT students took their basic sciences?

16 A So ECFMG has requirements about the medical schools
17 that we will accept and --

18 MR. REIL: Objection. Beyond the scope of my
19 examination.

20 THE COURT: Overruled.

21 BY MS. MCENROE:

22 Q You may answer.

23 A Okay, sorry. So we have requirements around, you
24 know, what international medical school is.

25 In fact, an international medical -- we define an

1 international medical graduate as an individual who has
2 received their education outside of the -- their medical
3 education outside of the United States and Canada.

4 And so we have requirements from the government
5 officials where the school is located that the school has to
6 meet.

7 So the school has -- the government has to say, yes,
8 essentially, I'm sort of oversimplifying, but the government
9 has to say, yes, this is a medical school. You recognize it as
10 such. And its graduates are eligible for licensure in our
11 country. And then ECFMG will recognize that.

12 But if the school has a branch campus outside of that
13 country, we also require the branch campus country to provide
14 that same type of information. Do you recognize it as a
15 medical school? And are its graduates eligible to practice in
16 your country?

17 So if you were having only classes in the United
18 States, we would need that documentation from the United
19 States, but also, you might be a United States school.

20 Q So you were asked some questions about the role and
21 purpose of ECFMG? At the beginning of your testimony, you
22 remember being asked that?

23 A Yes.

24 Q And can you explain a little bit more about why it's
25 concern to ECFMG, for example, if there were to be

1 predominantly education in the United States that you were just
2 talking about?

3 A So, you know, if the person is educated only in the
4 United States, then they may not be considered an international
5 medical graduate. So they might not even be eligible or
6 subject to ECFMG certification if they're not an international
7 medical graduate.

8 If they went to medical school in the United States, and
9 my understanding is they would have to go to a school that was
10 accredited by the LCME, which is the Liaison Committee on
11 Medical Education.

12 So we have to make sure that we're not, you know, we are
13 dealing with international medical graduates only because that
14 is our scope. That is what we are authorized to deal with.

15 Q Does ECFMG certify U.S.-based medical school
16 graduates?

17 A No.

18 Q So you -- ECFMG wouldn't grant a certificate to a
19 Penn Med grad?

20 A No, correct, we would not. We could not.

21 Q There was some discussion, jumping to back to the
22 hearing that you were asked some questions about, you remember
23 the November 28th hearing?

24 A Yes.

25 Q There was some discussion about a sponsor note in the

1 World Directory. And I believe you read some -- a note from
2 that language out into the record. Do you remember that?

3 A Yes, uh-huh.

4 Q And there was a question about the sequence of
5 events. Could you explain a little bit more in terms of the
6 note and the sponsor note, I'm sorry, in the World Directory
7 with regards to USAT vis a vis the irregular behavior
8 proceeding against Dr. Tulp?

9 A Right. So when we became aware that there was a
10 possibility that there was a campus in the United States for
11 USAT, we reached out by letter officially to USAT to ask. We
12 said we understand there's campus in the United States. Can
13 you please provide us with the documentation from the
14 Department of Education that authorizes you to have a medical
15 school and to conduct your activities in the United States?

16 And we got a response that that was not accurate. We
17 talked about the affidavit process. We asked the information
18 from the students.

19 And around, I think it was October 18th, when we had asked
20 for the documentation from USAT about the -- its U.S. branch
21 campuses I had not receive it, then we made a determination
22 that we could not accept students and graduates from that
23 medical school. That would be effective Jan. 1, 2019.

24 We notified the students. We put the note in the
25 directory, but that action was related only to not receiving

1 the documentation from the United States officials that the
2 school was recognized in the United States.

3 And we offered in a letter, so if you get the
4 documentation, give us the documentation so we can consider, we
5 can reconsider the sponsor note.

6 Q To date, has ECFMG gotten such documentation
7 regarding authorization for USAT to conduct education in the
8 United States?

9 A No.

10 Q Do you have an estimate of how many times ECFMG has
11 asked for such documentation?

12 A Um --

13 Q Would it be fair to say multiple times?

14 A Multiple, yeah, I mean, more than once.

15 Q What is the purpose of a sponsor note in the World
16 Directory just briefly?

17 A So the sponsor note, the World Directory of Medical
18 Schools is a listing of the world's medical schools. And there
19 are over 3,000 medical schools in the world. We do not accept
20 grad -- you know, we do not accept graduates from all 3,000.

21 There are a subset of those medical schools whose
22 graduates are eligible to apply to ECFMG for certification,
23 which means ultimately, they're allowed to continue to try and
24 practice medicine in the United States.

25 We used a sponsor note in the World Directory on a medical

1 school to indicate to the public and to the students and
2 graduates of that school whether or not those students and
3 graduates are eligible to apply to ECFMG for certification.

4 So it's the way in which we communicate publicly the
5 eligibility, if you will, of the school's graduates to start
6 the process of ECFMG certification.

7 Q And I'd like to direct your attention in the packet
8 of exhibits that were given to you by counsel?

9 A Uh-huh.

10 Q Back to Exhibit E, which is the sponsor note.

11 A Uh-huh.

12 Q Let me know when you have it?

13 A Okay, I have it.

14 Q And it's fair to say earlier, you testified this is a
15 copy of the sponsor note for USAT?

16 A Yes, uh-huh.

17 MS. MCENROE: Your Honor, I'm not sure that this got
18 admitted into evidence.

19 THE COURT: It did not.

20 MS. MCENROE: So I'd like to move for its admission?

21 THE COURT: Any objection?

22 MR. REIL: No, Your Honor.

23 THE COURT: It's admitted.

24 (Defendant's Exhibit E admitted into evidence)

25 BY MS. MCENROE:

1 Q Ms. Corrado, if you could just very briefly, I know
2 you were directed to one portion of this document. I'd like to
3 direct your attention up a little bit higher.

4 A Uh-huh.

5 Q There's a list of graduation -- there's a range from
6 2003 to 2018.

7 A Uh-huh.

8 Q What is that indicative of?

9 A That is the listing of the graduate -- the graduation
10 years for which ECFMG will accept graduates of this school. So
11 in other words, it's not just that your school is listed in the
12 World Directory with our sponsor note. Your school has to be
13 listed and your graduation year has to be listed.

14 So if you graduated in 2005, we will still accept the 2005
15 graduate from USAT. But if you graduated in 2020, currently,
16 we will not accept your application for certification.

17 Q So I just want to make sure it's clear. So is it
18 true that today, ECFMG would still accept, for example, 2018
19 USAT grads --

20 A Yes.

21 Q -- for certification if they meet all the other
22 requirements?

23 A Yes.

24 Q And are there enhanced procedures on USAT applicants?

25 A There are.

1 Q Can you explain what that means?

2 A Yes, so the affidavit process that we touched on
3 earlier is a requirement for USAT students and graduates
4 currently.

5 Essentially, in order to receive ECFMG services, they need
6 to complete that affidavit and submit to ECFMG. And once ECFMG
7 has reviewed it and accepted it, then we will continue to
8 provide services to those graduates and students.

9 Q So looking back to the November 28th hearing and I'll
10 try to be quick.

11 THE COURT: Hang on, wait. So the note talks about
12 students and graduates of this medical school with a graduation
13 year of 2019. You see that?

14 THE WITNESS: Yes.

15 THE COURT: When is -- when would students of USAT
16 normally graduate? What month in 2019?

17 THE WITNESS: I don't know, Your Honor, when they
18 would normally graduate. This note is meant to indicate that
19 as of the first of this year, 2019, we will not accept any
20 graduates.

21 THE COURT: Do you know whether there have been any
22 graduates of USAT in 2019?

23 THE WITNESS: I do not know that, Your Honor.

24 THE COURT: Go ahead.

25 MS. MCENROE: Thank you, Your Honor.

1 BY MS. MCENROE:

2 Q So moving back to the November 28th hearing, you were
3 asked a number of questions about submission into evidence and
4 other procedural events at the November 28th hearing.

5 Just very briefly, can you estimate or how many years have
6 you been attending or participating in this kind of irregular
7 behavior proceeding with personal appearances on behalf of
8 ECFMG?

9 A Sure, 10.

10 Q And so you say 10 years?

11 A 10 years, yes, sorry.

12 Q And an estimate of, if you can ballpark, how many of
13 these kind of proceedings you participated in?

14 A So 30.

15 Q And so, just very briefly, in terms of the process at
16 the hearing, I know that there was some testimony that it's a
17 20-minute hearing. Can you please explain the expected
18 process --

19 A Sure.

20 Q -- of that type of hearing?

21 A Sure, so when an individual makes a personal
22 appearance before the board of trustees, we give a very
23 brief -- staff will give a very brief outline of the allegation
24 as -- of the irregular behavior.

25 The individual will be given approximately 20 minutes to

1 provide a statement, if they will. Usually, they have an
2 opening statement. They can have counsel there with them if
3 they want.

4 Once they've concluded their opening statement, then the
5 board is able to ask questions. They'll generally ask
6 questions of the individual.

7 Once the questioning is finished, the individual's invited
8 to give a closing statement and then they're excused from the
9 hearing.

10 Q In your experience, based just from your view, what
11 is the purpose of that hearing?

12 A The --

13 MR. REIL: I'm going to object, Your Honor, to the
14 extent that we're talking about hearings other than Dr. Tulp's
15 hearing, I don't think it's relevant.

16 MS. MCENROE: That's fair, Your Honor. I can
17 withdraw the question and ask it a different way.

18 THE COURT: Go ahead.

19 BY MS. MCENROE:

20 Q Ms. Corrado, what was the purpose of Dr. Tulp's
21 hearing on November 28th?

22 A He was -- has a right to a personal appearance, which
23 he elected to take. And the purpose would be for him to
24 provide his explanation about the allegation and to answer any
25 questions that the committee would have for him.

1 Q We already discussed briefly the materials provided
2 to him in advance of the hearing. In your view, did you expect
3 that additional evidence would be submitted by ECFMG at that
4 hearing?

5 A No.

6 MR. REIL: Objection.

7 THE COURT: Basis?

8 MR. REIL: I think, Your Honor, in her personal view
9 here, I'm not sure how that relate -- I don't think it's
10 relevant.

11 THE COURT: Re-ask the question.

12 BY MS. MCENROE:

13 Q Sure.

14 THE COURT: Different way.

15 BY MS. MCENROE:

16 Q Did it surprise you, based on your experience of
17 having gone to over 30 of these hearings in the past 10 years,
18 that ECFMG did not present any additional materials beyond the
19 black binder --

20 A No.

21 Q -- at the hearing of Dr. Tulp?

22 A No.

23 MR. REIL: Objection to whether the witness was
24 surprised. Ask that it be rephrased.

25 THE COURT: Overruled.

1 Go ahead.

2 THE WITNESS: No, I was not surprised.

3 MS. MCENROE: Your Honor, I have nothing else on
4 cross at this time. I will have additional questions for the
5 witness. So it's at your prerogative if you'd rather me have
6 the witness on the stand once.

7 THE COURT: Let's just get, yeah, let's get this --
8 you now got the witness on direct in your case.

9 MS. MCENROE: Great.

10 THE COURT: Go ahead.

11 MS. MCENROE: Thank you, Your Honor and I'll be as
12 brief as I can.

13 DIRECT EXAMINATION

14 BY MS. MCENROE:

15 Q Ms. Corrado, why did ECFMG change the sponsor note
16 for USAT in the World Directory?

17 A We changed the sponsor note in the World Directory,
18 so that we could let students know what the status of the
19 school was.

20 And the note was changed because we did not have the
21 documentation from USAT from the Department of Education in
22 Florida or the other states where they were operating that
23 authorized their school in those states.

24 Q And why did ECFMG allege irregular behavior against
25 Dr. Tulp?

1 A When we asked Dr. Tulp if he had a -- that we -- I'm
2 sorry, we asked -- we advised Dr. Tulp that we understood that
3 he had a -- that USAT had a campus in Miami and we asked for
4 the documentation in a letter on August 21st.

5 And the response that we got from Dr. Tulp was that it is
6 not a campus. There was not -- education was not occurring
7 there. It was an administrative site only.

8 So when we got the affidavits from the students that
9 essentially said they all took their classes in Miami or some
10 other location in the United States, and had not gone to
11 Montserrat, that conflicted with the information that Dr. Tulp
12 had given us. And then in our view, that was providing false
13 information to ECFMG. So we alleged irregular behavior.

14 Q Just briefly, could you explain how this concern came
15 to the attention of ECFMG regarding the location of the
16 education for USAT?

17 A Sure. In roughly the summer of 2017, ECFMG, we were
18 conducting a project to re-verify a number of medical schools
19 located in the Caribbean. And we were doing research on them.
20 And we had not gotten any information back from Montserrat
21 regarding USAT.

22 And our team was looking into it and found a number of
23 videos online that seem to indicate that --

24 MR. REIL: Objection to what the team found. It's
25 hearsay.

1 THE COURT: Sustained.

2 MR. REIL: And --

3 THE COURT: Sustained.

4 MR. REIL: -- I don't think it's -- it's not based on
5 the witness' personal knowledge.

6 THE COURT: Sustained.

7 MR. REIL: I'm sorry, Your Honor. I didn't hear.

8 THE WITNESS: So we got an inkling that was some
9 activity happening in the United States. We did some research.
10 We -- but ultimately, we got an email on August 8th of 2018
11 from a prospective parent of a USAT student, who said my son is
12 going to --

13 MR. REIL: Objection to what a prospective parent
14 said.

15 THE COURT: Sustained. Sustained.

16 THE WITNESS: So then, we requested USAT to provide
17 us with documentation about their Miami campus.

18 BY MS. MCENROE:

19 Q And you mentioned doing some re-verification of
20 schools in the Caribbean?

21 A Uh-huh.

22 Q Very briefly, why was ECFMG doing that?

23 A So ECFMG had done another investigation on another
24 medical school. And we wanted to reach out to make sure that
25 that medical school still had its -- met the eligibility

1 requirements. And at the same time, we decided to do an
2 eligibility requirement for all of the schools in that area.

3 And we are targeting actually different areas of the world
4 moving forward to re-verify information that we previously
5 received for schools.

6 Q There's been some discussion of the change of the
7 sponsor note and the finding for irregular behavior against Dr.
8 Tulp.

9 We're just wondering what, if any impact, you know of
10 those actions having been on students of USAT, how that's
11 impacted them in any way?

12 A My -- the students -- if the students did not
13 graduate by December of 2018, then the students would have to
14 transfer to other medical schools if they wanted to continue to
15 take USMLE examinations and to pursue ECFMG certification, but
16 those who had graduated prior are moving through the pipeline.

17 Q And those students, you said if they wanted to
18 proceed through USAT USMLE examinations, if they had
19 transferred, what if any impact on their prior credits taken on
20 USAT being eligible for ECFMG certification, what impact if any
21 would that have been?

22 A Well, so they -- their -- they would be able to
23 transfer their prior credits from USAT to whatever their new
24 medical school is.

25 Q Do you have any understanding of what impact ECFMG's

actions vis a vis the sponsor note and the World Directory were -- as to Dr. Tulp would have on the ability for USAT to provide medical education generally to students in Montserrat, who have no inclination of coming to ECFMG?

A Yeah, they --

MR. REIL: Objection to the question. It's compound and I think there has to be a foundation that the witness has some personal knowledge here. She's not in as an expert.

MS. MCENROE: I'll withdraw the question then.

THE COURT: Okay.

BY MS. MCENROE:

Q Ms. Corrado, we were talking briefly about recertification in the Caribbean. Do you remember that?

A Uh-huh.

Q And you mentioned another school that had gone through a process of investigation. What school was that?

A Atlantic University School of Medicine in St. Lucia.

Q And was --

THE COURT: And I'm sorry, in where?

THE WITNESS: In St. Lucia.

BY MS. MCENROE:

Q And was there any finding of irregular behavior as to any medical school official in that --

A Yes.

Q -- investigation?

1 A Yes.

2 Q And what was the action or what was the finding, if
3 any, of the -- ECFMG with respect to that medical school
4 official?

5 A The --

6 MR. REIL: Objection to another investigation.
7 Relevance.

8 THE COURT: Relevance?

9 MS. MCENROE: Your Honor, I'm just trying to
10 establish there's a precedent here for how ECFMG conducted
11 itself.

12 THE COURT: Overruled. Go ahead.

13 THE WITNESS: So ECFMG found that officials and
14 employees of the university had engaged in irregular behavior.
15 And they were similarly sanctioned in that.

16 They are -- they have been -- we will not accept
17 documents certified by those officials for a minimum of five
18 years after which they have to meet certain requirements if we
19 will consider them again for that school or for any other
20 medical school.

21 Q We also talked briefly a little earlier when looking
22 at the sponsor note about enhanced procedures on students at
23 USAT. Do you remember that?

24 A Yes.

25 Q And you mentioned that pertained to the affidavit

1 process; is that correct?

2 A That's correct.

3 Q Was -- has ECFMG ever used a similar enhanced
4 procedure on any other medical school?

5 A Yes, in the case of the Atlantic University School of
6 Medicine for one, but others as well.

7 Q And in any of those other circumstances when ECFMG
8 has imposed enhanced procedures involving these affidavits, has
9 it ever been that there were then no findings of irregular
10 behavior or no changes to a sponsor note as a result?

11 A Yes.

12 Q Has ECFMG ever investigated other medical schools
13 where there was communication with the medical school about a
14 change to a sponsor note and then the medical school was able
15 to provide ECFMG with the information sought?

16 A Yes, there has.

17 Q And then in that circumstance, was there any change
18 to the medical school listing the sponsor note?

19 A Yes, we updated the sponsor note.

20 Q To reflect?

21 A To reflect that the graduates were eligible once
22 again for certification.

23 Q Was it your intention if that information had been
24 provided that was requested from Dr. Tulp with regards to the
25 eligibility -- sorry, authorization to have medical school

1 education in the United States been provided to ECFMG that
2 ECFMG would do the same thing in this circumstance?

3 A Yes.

4 MS. MCENROE: I have no further questions at this
5 time.

6 THE COURT: Mr. Reil, you have redirect on your own
7 witness and cross on Ms. McEnroe's witness.

8 MR. REIL: Brief redirect, Your Honor.

9 THE COURT: Go ahead.

10 REDIRECT EXAMINATION

11 BY MR. REIL:

12 Q You just gave some testimony, Ms. Corrado, concerning
13 the affidavits, Exhibit D, the affidavits of these students
14 filled out that ECFMG sent to them. Would you take a look at
15 that affidavit on page 10? I have a question on it.

16 A I have it, sir.

17 Q Okay, did ECFMG in that affidavit threaten the
18 students with irregular behavior if they didn't fill out the
19 affidavit?

20 A No, sir.

21 Q If you go to page 11 there. Okay, if you go down on
22 page 11 to I guess the second to the last paragraph, where it
23 says ECFMG reserves the right. Do you see that?

24 A Uh-huh.

25 Q Please read it into the record, that sentence.

1 A "ECFMG reserves the right to bring allegations of
2 irregular behavior against you in accordance with its policies
3 and procedures showing ECFMG obtained information that
4 indicates that you have engaged in irregular behavior with
5 respect to any documentation submitted as part of this
6 process."

7 Q All right, now what was the purpose of ECFMG putting
8 the -- that language with the affidavit?

9 A This is to serve as a reminder to those students that
10 they need to provide correct and accurate information to ECFMG.
11 And that if they don't, they could be subject to our irregular
12 behavior procedures.

13 Q What if they didn't fill out the affidavit?

14 A There were a number of students that didn't fill out
15 the affidavit. They -- we just don't -- we won't provide
16 services to them until they fill it out.

17 Q I see. All right, when you say you won't provide
18 services to them, if you don't provide services to them, that
19 means they'll never be able to become a practicing physician in
20 the United States, am I correct?

21 A It means they won't be able to proceed to get ECFMG
22 certification.

23 Q ECFMG certification is necessary for a foreign
24 medical student to practice as a physician in the United
25 States?

1 MS. MCENROE: Objection, Your Honor. Asked and
2 answered and also to the extent it purports to seek a legal
3 conclusion.

4 MR. REIL: I'll withdraw the question, Your Honor.

5 BY MR. REIL:

6 Q Okay, there was some testimony that was elicited
7 before my examination where you were asked about a campus. Do
8 you remember that?

9 A Yes.

10 Q Does ECFMG define anywhere in its policies or
11 procedures what a campus is?

12 A Not to my knowledge.

13 MR. REIL: That's all I have, Your Honor.

14 THE COURT: Okay, thank you very much. You can leave
15 the stand.

16 THE WITNESS: Thank you, Your Honor.

17 (Witness excused)

18 THE COURT: We're going to take a five-minute break
19 and get back and have Ms. Cover on the stand ready to go when
20 we get back in.

21 THE COURT RECORDER: All rise.

22 THE COURT: Thank you.

23 (Recess at 3:21 p.m., until 3:32 p.m.)

24 THE COURT RECORDER: All rise.

25 THE COURT: Okay, Mr. Reil, the witness please?

1 THE COURT RECORDER: Please raise your right hand.
2 State and spell your name for the record?

3 THE WITNESS: Lisa Brenda Cover, L-I-S-A C-O-V-E-R.

4 LISA COVER

5 called as a witness for the Plaintiff, having been duly sworn
6 testified as follows:

7 THE COURT: Have a seat. Your witness?

8 MR. REIL: Your Honor, at this point, we have decided
9 not to examine Ms. Cover.

10 THE COURT: Oh, okay.

11 MR. REIL: With no objection if the Court allows.

12 THE COURT: Would you -- Ms. McEnroe, would have
13 brought in Ms. Cover in your case in chief?

14 MS. MCENROE: No questions.

15 THE COURT: Okay, you can leave the stand.

16 THE WITNESS: Thank you.

17 (Witness excused)

18 THE COURT: Okay, let's have -- would you want -- do
19 you want to put Mr. Tulp on -- Dr. Tulp on the stand?

20 MR. REIL: Yes. And with the Court's permission,
21 Attorney Swate will examine Dr. Tulp.

22 THE COURT: Go ahead.

23 THE COURT RECORDER: Raise your right hand. State
24 your name for the record?

25 THE WITNESS: Dr. Orien Lee Tulp.

1 ORIEN TULP

2 Plaintiff, having been duly sworn testified as follows:

3 THE COURT: Have a seat.

4 Your witness.

5 MR. SWATE: If it please the Court.

6 DIRECT EXAMINATION

7 BY MR. SWATE:

8 Q Dr. Tulp, what is your professional position
9 currently?

10 A I'm president of the University of Science, Art, and
11 Technology.

12 Q And that's USAT?

13 A That's USAT.

14 Q And how long has USAT been in operation?

15 A 15 years, 4 months.

16 Q All right, are you a part owner of USAT?

17 A Yes.

18 Q What credentials that you have, just briefly, to
19 support your position at present?

20 A There -- I have a Ph.D., two PhDs, an M.D. And I've
21 been active as a professor for over 40 years.

22 Q Now for most of your professional life, 43 years, do
23 you -- what, a military officer?

24 A Yes, I was. I served in the United States Army,
25 active in Reserve components 43 years, 5 months, and 26 days.

1 Q Did you receive any awards?

2 A Yes, I have many.

3 Q Well, just a couple?

4 A Including the Congressional Award of Regional Merit,
5 including three meritorious service awards, two from the
6 Commonwealth of Pennsylvania, and commendation metals, the
7 Citizenship Medal from the Sons of American Revolution --
8 Revolution.

9 We have many, many awards that I've received over the
10 course of my military career, including the eighth award of the
11 Garde Nationale, the eighth one in history was awarded to me
12 for having a significant academic and professional career and
13 simultaneous to my military career.

14 Q Have you received any public awards?

15 A Yes, I've received several presidential voluntary
16 service awards from several presidents of the United States.
17 And I received an exultation from President William Jefferson
18 Clinton in 1986.

19 Q In the years that you operated in medical school,
20 what has been the experience of your students as far as the
21 results of the testing done by ECFMG and USMLE?

22 A They've done very well. We, you know, provide high
23 quality instruction. The vast majority of our courses, the --
24 the entire, the full first year they can take from Montserrat
25 or they can take from virtually anywhere, because there's --

1 we've developed beginning 10 years ago, because of the volcano,
2 we developed something called SPOC, Small Platform Online
3 courses where you have high quality, the best we can find, all
4 U.S. certified instructors all have taught in U.S. medical
5 schools and are all -- were board certified in their fields.

6 They present these courses. So they can take them pretty
7 from Montserrat, and many, many have over the years, from
8 anywhere in the world.

9 Q What has been your --

10 THE COURT: Mr. -- sorry, can you just get to the
11 chase? I accept that Dr. Tulp has these qualifications and I
12 am for the purposes of this preliminary injunction hearing,
13 that is not what we're talking about.

14 MR. SWATE: Yes, Your Honor.

15 THE COURT: Just cut to the chase.

16 BY MR. SWATE:

17 Q All right, what is required by every state in the
18 union for an international medical graduate to apply for a
19 medical license, whether either restricted or permanent?

20 A They must have ECFMG certification. There's the only
21 access that's available to them.

22 Q Can a medical student United -- international medical
23 student be licensed without that certificate or license?

24 A Not in the United States of America

25 MS. MCENROE: Objection, Your Honor. Foundation.

1 THE COURT: Basis? I mean, granted. Sustained.

2 MS. MCENROE: It's been a long afternoon, Your Honor.

3 THE COURT: Sustained.

4 MS. MCENROE: Thank you.

5 THE COURT: You can lay some foundation and perhaps
6 get there.

7 BY MR. SWATE:

8 Q Well, what -- getting to the chase, what evidence was
9 presented by ECFMG owned on the 28th that you had committed any
10 kind of bad act?

11 A None.

12 Q When did you find out about the notebook with the
13 various evidence that was -- that had been given to the members
14 of the committee that was supposed to hear your case?

15 A On the 28th of November, it was placed on the table.
16 It had no label. We didn't know what it was. It was just a
17 black book that was sitting there. We had no opportunity to
18 review it in advance.

19 Q What evidence was produced by the ECFMG at that
20 meeting that support any allegations?

21 A None.

22 Q What effect does ECFMG placing that notation on that
23 world list of medical schools have on you personally, and then
24 I'll get to the medical school?

25 A Well, it certainly blemishes my reputation

1 tremendously. In over 50 years, I've never had a single
2 complaint from a student, a patient, a board, nothing. I never
3 expected this.

4 Q When was that notation first placed?

5 A Prior to September 11th, 2018. That was the last
6 date entered on the sponsor note when it was -- when it
7 appeared.

8 Q Was that note placed prior to any hearing or any
9 allegations?

10 A Yes.

11 Q Now the ECFMG agreed that up until January the 1st,
12 2019, they would accept documentations from the USAT students,
13 correct?

14 A That is correct.

15 MS. MCENROE: Your Honor, foundation about what ECFMG
16 was sent.

17 THE COURT: Sustained.

18 MR. SWATE: Ma'am?

19 THE COURT: Sustained, go ahead. Lay some
20 foundation.

21 BY MR. SWATE:

22 Q You were given a letter from the ECFMG that stated
23 that up until January the 1st, 2019, documentation would be
24 accepted?

25 A That is correct.

1 Q What harm resulted from allowing the USAT to operate
2 until January the 1st, 2019?

3 A I am unaware of any harm whatsoever.

4 Q Well, what magically happened at midnight on January
5 the 1st, 2019 or December the 31st, 2018?

6 A ECFMG would no longer accept --

7 MS. MCENROE: Objection, Your Honor --

8 THE COURT: What? You finish your question.

9 You hold.

10 Finish your question.

11 BY MR. SWATE:

12 Q What occurred that would cause the ECFMG on December
13 the 31st, 2018 to accept documentation and then after that date
14 not accept documentation, if you know?

15 A Nothing.

16 THE COURT: Hold on. Any objection?

17 MS. MCENROE: Objection, Your Honor. Foundation.

18 THE COURT: Sustained. Also, compound.

19 BY MR. SWATE:

20 Q What damages, if any, is occurring while allowing
21 ECFMG to post those notes on that world internet site listing
22 medical schools?

23 MS. MCENROE: Objection, Your Honor. Foundation.

24 THE COURT: Sustained. Foundation?

25 BY MR. SWATE:

1 Q Are you --

2 A Yes.

3 Q Are you aware that the notice has been posted,
4 correct?

5 A Yes, I'm aware the notice was posted.

6 Q Do you have any personal knowledge of the effect of
7 posting that notice?

8 A Yes.

9 Q What's your knowledge?

10 A It really eliminates all new applications and it
11 prevents the university from collecting any uncollected
12 tuition.

13 Q What harm would result from allowing USA -- by
14 allowing ECFMG to continue accepting documents from USAT
15 students until this matter's resolved?

16 A There is no harm.

17 MS. MCENROE: Objection, Your Honor.

18 THE COURT: Basis?

19 MS. MCENROE: Foundation and also vague. I'm not
20 sure exactly what he means by harm.

21 THE COURT: Sustained, sustained.

22 THE WITNESS: I'm unaware of any harm.

23 THE COURT: Oh, no, don't. If I sustain, you don't
24 answer.

25 THE WITNESS: Okay.

1 THE COURT: Go ahead.

2 THE WITNESS: I'm sorry, Your Honor.

3 BY MR. SWATE:

4 Q Are you aware of the results of them posting the
5 information?

6 A Yes.

7 Q And what's been the result?

8 A The result has been that all tuition payments stopped
9 on or before October 1st. And that has made a major impact on
10 the economy at the university. We were admitting about 50
11 students per month prior to that. Since then, not one.

12 Q And this was prior to any hearing or finding of
13 irregular behavior, correct?

14 A That is correct.

15 Q Do you have an opinion of whether it would be a
16 positive event to allow USAT to continue by ECFMG accepting
17 documents until this matter's resolved?

18 MS. MCENROE: Objection, Your Honor. Calls for
19 opinion testimony.

20 THE COURT: Sustained unless you think that this can
21 be fact witness testimony, opinion testimony. Make that
22 argument.

23 MR. SWATE: He has specialized knowledge. He's been
24 an administrator for 15 years.

25 THE COURT: So you're trying to get him qualified as

1 an expert, is that what --

2 MR. SWATE: Well, he is an expert.

3 THE COURT: Well, he's not until I say he's an
4 expert.

5 MR. SWATE: Well, I understand it, Judge.

6 THE COURT: So are you trying to get him qualified as
7 an expert?

8 MR. SWATE: Okay, I understand. I will attempt to do
9 that.

10 THE WITNESS: Okay.

11 THE COURT: Okay, I'm not suggesting -- I mean, if
12 you want to do it, you can try and do it, but we've got go
13 through the process. So why don't you do it?

14 MR. SWATE: Yes, Your Honor. I understand.

15 THE WITNESS: Okay, would you repeat that question
16 now that we've had --

17 BY MR. SWATE:

18 Q You've been a president and professor for USAT for 15
19 years?

20 A That is correct.

21 Q Are you familiar with the standards for your students
22 being licensed in the United States?

23 A Yes.

24 Q And what's this familiarity based on?

25 A It's based on experience and study.

1 MR. SWATE: Your Honor, I would have Dr. Tulp
2 admitted as an expert in medical administration.

3 MS. MCENROE: Your Honor, we oppose. I don't really
4 understand what an expert in medical administration is. I
5 think that was factual testimony that was just being elicited
6 about why -- the basis for a line of questioning, which I don't
7 have an objection to that, but I don't understand him being put
8 forward as an expert at this time.

9 THE COURT: Sustained.

10 BY MR. SWATE:

11 Q You -- the -- you have familiarity with the history
12 of your students?

13 A Yes, I do.

14 Q Do you have familiarity with the history of your
15 students in going into residency programs?

16 A Yes, we do.

17 Q And what has been that history?

18 A That history has been highly successful. Most
19 successful -- most are successful in obtaining not only
20 residencies, but some medical positions, faculty positions at
21 U.S. medical schools following their board certification.

22 Q Your student, if you can do this, how would you
23 describe your typical student?

24 A Our typical students are exceptional. They're way
25 above -- there is a mix of other international medical schools

1 from the region that we've interacted with.

2 All -- the minimum requirement for most questions coming
3 in is a Master's degree or higher. And that accounts for about
4 90 percent of the total.

5 Q What about the age of your students? Do you have any
6 information about that?

7 A We have no age restriction. Our oldest graduate was
8 73.

9 Q What kind of experience on the average do these
10 students have?

11 A 10 to 20 years of clinical experience prior to coming
12 into the program. So.

13 Q Are you making a claim today that you were denied due
14 process by the ECFMG?

15 A Absolutely.

16 MS. MCENROE: Objection, Your Honor. Calls for a
17 legal conclusion.

18 THE COURT: Sustained.

19 THE WITNESS: Absolutely.

20 THE COURT: If I say sustained, you don't answer the
21 question.

22 THE WITNESS: Oh, I'm so sorry.

23 THE COURT: Go ahead.

24 BY MR. SWATE:

25 Q Well, what notice were you given of the charges?

1 A None.

2 Q What evidence was presented at the hearing?

3 A None.

4 Q Who terminated the hearing?

5 A Attorney McEnroe.

6 Q Were you allowed to -- were your attorneys allowed to
7 put on any evidence?

8 A No.

9 MR. SWATE: Pass the witness.

10 THE COURT: All right.

11 MS. MCENROE: May I approach the lectern, Your Honor?

12 THE COURT: You may.

13 MS. MCENROE: And per efficiencies, I would ask if
14 it's all right if I go do my cross and my --

15 THE COURT: Yes.

16 MS. MCENROE: It's yes?

17 THE COURT: Yes, that's fine.

18 MS. MCENROE: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MS. MCENROE:

21 Q Hi, Dr. Tulp.

22 A Good afternoon.

23 Q Good afternoon. You were just asked about a hearing
24 on November 28th; is that correct?

25 A Yes.

1 Q And you heard testimony a little bit earlier today
2 about a transcript of the hearing?

3 A I heard it, but I haven't read it.

4 Q Have you received a copy of it?

5 A No.

6 Q Do you know if your lawyers have gotten a copy of it?

7 A I believe our attorneys have received a copy very
8 recently.

9 Q Does USAT have a campus in the United States?

10 A No.

11 Q Have you ever said that you USAT had a campus in the
12 United States?

13 A No.

14 MS. MCENROE: Your Honor, if I may, we need a minute
15 for a technical hookup so that we can --

16 THE COURT: Go --

17 MS. MCENROE: -- submit some evidence to refresh the
18 witness' recollection.

19 THE COURT: Go ahead. How -- when you say a minute,
20 do you mean one minute?

21 MS. MCENROE: Literally a minute. I think we have
22 it --

23 THE COURT: Got it.

24 MS. MCENROE: And Your Honor, while that's getting
25 queued up, I would like to submit it initially to refresh the

1 witness' recollection.

2 And once the Court gets to see it, I plan to move for
3 its admission on the basis of a statement of a party opponent?

4 THE COURT: Any objection to submission of the
5 transcript?

6 MS. MCENROE: I'm sorry, not the transcript, the
7 video that we're about to watch.

8 THE COURT: The video, okay. Do you know what video
9 she's talking about?

10 MR. SWATE: No. Have we --

11 THE COURT: Okay, well, we'll take a look and then
12 I'll ask you that question again.

13 MS. MCENROE: Thank you, Your Honor.

14 Your Honor, I think we're having a volume problem.

15 THE COURT: Mr. Mani, can you solve that?

16 MR. SWATE: Judge, we would object to this evidence.
17 It hasn't been authenticated.

18 THE COURT: Well, we're just about -- we're doing
19 that right now. That's what we're doing right now.

20 While we're waiting, Dr. Tulp, have there been any
21 2019 graduates of USAT as of yet this year?

22 THE WITNESS: No, there have not been.

23 THE COURT: When would be the first graduation or
24 when would have been the first graduation?

25 THE WITNESS: In June.

1 THE COURT: Okay.

2 MS. MCENROE: Your Honor, while they're working on
3 that, in the interest of efficiency, I'd be happy to move on
4 and then circle back if that's all right?

5 THE COURT: Go ahead.

6 BY MS. MCENROE:

7 Q Dr. Tulp, you testified a minute ago that you had not
8 gotten any notice from ECFMG about the allegations against you;
9 is that correct?

10 A That is correct.

11 MS. MCENROE: All right, before I move on, it seems
12 like we got volume, so we'll circle back if we could?

13 THE COURT: Go ahead. The -- you'll be showing the
14 video solely for the purposes of determining whether -- its
15 admissibility?

16 MS. MCENROE: Correct. Yes, Your Honor.

17 THE COURT: Okay, go ahead.

18 MS. MCENROE: And Your Honor, we're only going to put
19 in the first couple minutes. We're not going to --

20 (Video played at 3:53 p.m.)

21 (Music)

22 UNIDENTIFIED SPEAKER: Thank you for joining us. Our
23 guests today are Professor George Einstein of USAT and Dr.
24 Orien Tulp, the president of USAT, the British West Indies-
25 based University of Science, Arts, and Technology.

1 It is this institution in which dozens of physicians
2 graduate successfully, many from humble beginnings from nations
3 including the United States regardless of race or gender or
4 culture.

5 USAT has created a program of superior excellence and
6 in training physicians and other professionals to meet the
7 demand of scientific and medical needs in this global
8 technological environment.

9 Professor Einstein and Dr. Tulp will tell us more
10 about these achievements following these messages.

11 (Music)

12 With us now is Dr. Orien Tulp, president of USAT, the
13 University of Science, Arts, and Technology, Montserrat.
14 Pleasure and honor to have you back.

15 MR. TULP: Thank you, sir. Pleasure to be back.

16 UNIDENTIFIED SPEAKER: So many things are happening
17 in education worldwide and of course in your part of the world.
18 And you do classes in Miami, Denver, and Montserrat. What's
19 new with USAT?

20 MR. TULP: USAT is now fully accredited in the United
21 Kingdom. We're now preparing for our 2014 commencement, which
22 would be held right here in Miami.

23 We expect to graduate more than 100 students, which
24 is more than any other Caribbean school just by the way. And
25 we'll have this -- we want family to come. It's a great

1 opportunity, a great experience. And it enables those who
2 graduate to experience closure, because now it's another
3 chapter of their career.

4 UNIDENTIFIED SPEAKER: And USAT is contributing so
5 effectively in the lives and careers of many people in this
6 part of the world.

7 MR. TULP: Yes, it is. Yes, it is. We have a lot of
8 physicians now in the state of Florida. We have some who are
9 practicing and many more are in residency in their specialty
10 training.

11 It's moving ahead very quickly and very rapidly.
12 We're now the fastest, near as I can see, we are the fastest
13 growing medical school in the Caribbean.

14 UNIDENTIFIED SPEAKER: So the University of Science,
15 Arts, and Technology also is expanding into other programs, I
16 understand. Tell us of these?

17 MR. TULP: Yes, yes we are. We have a new program we
18 intend to start by September. This would be medical
19 acupuncture designed for physicians, licensed physicians that
20 wish to add that.

21 We're going to create a unique new program, which
22 will lead to a Master of Science in Medical Acupuncture.
23 That'll be conducted in our Miami campus to start with and
24 probably extend that into some of the other campuses.

25 (Video ended at 3:56 p.m.)

1 MS. MCENROE: Your Honor, I would make the argument
2 that Dr. Tulp is appearing here on this video himself, saying
3 referring to a Miami campus, which goes directly contradictory
4 to testimony he said that he never uses the word campus to
5 describe USAT's conduct in the United States. So I would
6 submit that it's admissible as an admission of a party
7 opponent.

8 THE COURT: Any objection?

9 MR. SWATE: It's not -- part of the controversy is
10 the definition of campus.

11 THE COURT: We're not talking about the -- that
12 particular issue. We're only talking about the admissibility
13 of this tape. So tell me why you oppose its admission?

14 MR. SWATE: I don't.

15 THE COURT: Okay, it's admitted.

16 (Defendant's Exhibit D-1 admitted into evidence)

17 MS. MCENROE: Thank you, Your Honor.

18 BY MS. MCENROE:

19 Q Dr. Tulp, you were testifying just a minute ago about
20 not having notice from ECFMG with respect to the issues on
21 going with USAT; is that correct?

22 A That is correct.

23 MS. MCENROE: Your Honor, may I approach the witness?

24 THE COURT: You may.

25 MS. MCENROE: And Your Honor, I have a copy for you

1 as well if you'd like me to hand that up if that's all right.

2 THE COURT: Yes, please.

3 BY MS. MCENROE:

4 Q Dr. Tulp, do you recognize this document?

5 A I do.

6 Q What is it?

7 A I recognize it, yes.

8 Q Okay, and this is a letter directed to you, correct?

9 A That is correct.

10 Q Did you get this letter?

11 A I received it by email.

12 MS. MCENROE: Your Honor, I would move for the
13 admission of this letter?

14 THE COURT: Any objection?

15 MR. SWATE: No objection.

16 THE COURT: It's admitted. What would you like to
17 label this as? We'll label the video as D-1.

18 (Defendant's Exhibit D-2 admitted into evidence)

19 MS. MCENROE: Great. And how about we make this D-2?

20 THE COURT: Got it.

21 MS. MCENROE: Thank you, Your Honor.

22 BY MS. MCENROE:

23 Q So starting from the top, and it's a brief letter, so
24 I'm going to try not to go too long on it, but it's from August
25 21st, 2018. And it starts out saying, "It has recently come to

1 the attention of the Educational Commission for Foreign Medical
2 Graduates that USAT in Montserrat is operating a satellite or
3 branch campus in Miami, Florida." Do you see that?

4 A I see that.

5 Q Then it was explained that, "In order for students
6 and graduates of an international medical school such as USAT
7 to have eligibility to apply for ECFMG certification, ECFMG
8 policy requires confirmation from the appropriate government
9 authority in the branch campus country that the branch campus
10 is authorized to operate as a medical school in such branch
11 campus country." Do you see that?

12 A Yeah, I see that, uh-huh.

13 Q Have you ever provided such information to ECFMG
14 about the operation of education in the United States from
15 USAT?

16 A No, because when I contacted the Florida Department
17 of Education, they said it was unnecessary based on what our
18 activities actually were. The bulk of our program was online,
19 about 80 percent of it. And we have previously told you that.

20 MS. MCENROE: Your Honor, may I approach the witness?

21 THE COURT: You may.

22 MS. MCENROE: And the bench, Your Honor.

23 BY MS. MCENROE:

24 Q Dr. Tulp, do you know what this document is?

25 A Yes.

1 Q What is it?

2 A It's a site support and schedule.

3 Q And it says -- you see it says lecture conference
4 schedule at the top?

5 A It does that.

6 Q And this is from University of Science, Arts, and
7 Technology; is that correct?

8 A Yes, it is.

9 MS. MCENROE: Your Honor, I would move for this
10 admission of D-3, please?

11 THE COURT: Any objection?

12 MR. SWATE: No, Your Honor.

13 THE COURT: It's admitted.

14 (Defendant's Exhibit D-3 admitted into evidence)

15 THE WITNESS: I have one question if I'm allowed to
16 ask?

17 THE COURT: You're not.

18 MS. MCENROE: At this juncture, you are --

19 THE COURT: You are not.

20 THE WITNESS: Okay.

21 BY MS. MCENROE:

22 Q So you mentioned when you were questioned by counsel
23 about the notice of the allegations of irregular behavior
24 against you; is that correct?

25 A That's correct.

1 Q And you indicated you didn't have any notice of the
2 claims of irregular behavior against you?

3 A I did not have notice.

4 MS. MCENROE: May I approach, Your Honor?

5 THE COURT: You may.

6 MS. MCENROE: And the bench, Your Honor?

7 THE COURT: You may.

8 BY MS. MCENROE:

9 Q Dr. Tulp, have you seen this letter before?

10 A I've seen this letter before, yes, I have.

11 MS. MCENROE: Your Honor, I would move for admission
12 as D-4.

13 THE COURT: Any objection? Any objection?

14 MR. SWATE: No.

15 THE COURT: It's admitted.

16 (Defendant's Exhibit D-4 admitted into evidence)

17 BY MS. MCENROE:

18 Q So Dr. Tulp, I'm going to direct you to a couple
19 parts of this letter in particular, but I don't want to belabor
20 the point or take too much time, but I'm just going to start
21 from the beginning.

22 That it's addressed to you and it says, "I'm writing to
23 advise you of the allegation that you individually and your
24 capacity as an official of the USAT faculty of medicine
25 Montserrat engaged in irregular behavior in connection with

1 providing false information to ECFMG." Do you see that?

2 A I see that.

3 Q And it goes on to say, "Specifically, you provided
4 false information to ECFMG when you notified ECFMG that USAT
5 does not operate a branch campus in Miami, Florida, and two,
6 certified to the attendance dates of several USAT students and
7 graduates when ECFMG has information that these students were
8 not attending USAT during some the of time periods which you
9 certified." Do you see that?

10 A Yes, I see that.

11 MS. MCENROE: May I approach, Your Honor?

12 THE COURT: You may.

13 MS. MCENROE: And the bench, Your Honor?

14 THE COURT: You may.

15 BY MS. MCENROE:

16 Q Dr. Tulp, this on its face is an email from you at
17 the top. Do you see that from Orien Tulp? Is that your email
18 address, o.tulp@usat.edu?

19 A It is.

20 Q Do you recognize this email?

21 A I do.

22 MS. MCENROE: Your Honor, I'd like to move for its
23 admission as D-5?

24 THE COURT: Any objection?

25 MR. SWATE: No.

1 THE COURT: It's admitted.

2 (Defendant's Exhibit D-5 admitted into evidence)

3 BY MS. MCENROE:

4 Q This is an email from you to Scott Mealey. Do you
5 know who Scott Mealey is?

6 A No.

7 Q Do you know whether or not he works at the ECFMG?

8 A I -- according to a signature block, he does.

9 Q Okay, do you have any reason to believe otherwise?

10 A I have no reason to believe otherwise.

11 Q And this email down below from Scott Mealey to you
12 says, "Please see the attached letter regarding USAT U.S.
13 satellite campus." Do you see that?

14 A I see that.

15 Q And then up above, you wrote, "Dear Mr. Mealey." Do
16 you see where I am?

17 A I see that.

18 Q And is this an email you wrote?

19 A This is incorrect information.

20 Q Correct, you're reading the beginning of the email,
21 right?

22 A Right.

23 Q This is correct information? Did you write this
24 email?

25 A I did.

1 Q And it says, like you were reading, "This is
2 incorrect information. The Miami location is an information
3 and testing site only where a pre USMLE examination and MDME
4 may administered and an orientation for new students is
5 conducted prior to the travelling to the Caribbean. It is NOT
6 a campus. Our only campus is located in Olveston, Montserrat,
7 British West Indies." Is that what you wrote?

8 A That is exactly correct.

9 Q Is it your position that USAT has done no educational
10 services for students in the United States?

11 A We have an online program. They can take that
12 program from anywhere in the world. Our most distant graduate
13 was from Thailand.

14 MS. MCENROE: Your Honor, I'd move to strike as
15 nonresponsive.

16 THE COURT: Overruled.

17 BY MS. MCENROE:

18 Q Do you have any students who have gotten medical
19 education in the United States?

20 A They received a review lecture, which is part of the
21 orientation. We like to showcase our faculty because our
22 faculty are pretty strong and I like to showcase them.

23 Q If you --

24 A So we'll -- yes, we fly a couple of faculty in to
25 give a demonstration before you join our schools, here's what

1 you're going to get. The lectures are delivered online.

2 Q Do USAT students dissect cadavers in connection with
3 their medical education?

4 A Yes, we have an agreement with the Miami Anatomic
5 Research Center, who provides that service for us.

6 Q So USAT students dissect dead human bodies in the
7 United States, correct?

8 A Cadavers.

9 Q Yeah, the same thing, right? I just want to make
10 sure.

11 A Cadavers.

12 Q I'm sorry, I'm not a medical doctor, I'm just making
13 sure.

14 A Yeah.

15 Q But there is dissection of human remains, cadavers --

16 A That is --

17 Q -- in the United States by USAT students?

18 A There is. There we also have an anatomage machine,
19 which they do a computerized dissection prior to that.

20 Q In your view, is the dissection of human cadavers not
21 education?

22 A That is education that is provided by the Miami
23 Anatomic Research Center at their location on their campus.

24 Q To USAT students in the United States?

25 A The USAT students are in the United States attending

1 that, as do students from around the world attending that same,
2 very same anatomic research center for educational purposes.

3 Q Dr. Tulp, did you instruct the students at USAT about
4 how to fill out the affidavits requested by the Educational
5 Commission for Medical Graduates?

6 A Not specifically. But if they asked me for guidance,
7 I would provide to guide it, -- but haven't seen the affidavits
8 until recently.

9 MS. MCENROE: Your Honor, may I approach?

10 THE COURT: You may.

11 MS. MCENROE: And the bench, Your Honor?

12 THE COURT: you may.

13 BY MS. MCENROE:

14 Q Dr. Tulp, I'd like to direct your attention
15 specifically to the bolded text in the middle.

16 A Uh-huh, uh-huh.

17 Q That's followed by your signature block. Do you see
18 that?

19 A Right, I see that.

20 Q Is this a message that you wrote?

21 A It -- apparently I did.

22 Q And who is Carla (phonetic) and I'm going to say this
23 wrong I'm sorry, Cognier (phonetic)?

24 A Carpanich (phonetic) is the vice president of the
25 university.

1 MS. MCENROE: Your Honor, I would move for this
2 admission -- admission of this document as D-6?

3 THE COURT: Any objection to admit it?

4 MR. SWATE: No, Your Honor.

5 THE COURT: Admitted.

6 (Defendant's Exhibit D-6 admitted into evidence)

7 BY MS. MCENROE:

8 Q And Dr. Tulp, this message says, "Please do NOT use
9 the phrase 'campus' when referring to the U.S. sites as that
10 implies approval from the U.S. Department of Education or the
11 State Department of Education, which isn't possible or likely
12 as an international medical school.

13 Someone reported to the ECFMG that we have a Miami campus.
14 It is an administrative site where we do interviews,
15 orientations, and pre USMLE proctored examinations." Did I
16 read that correctly?

17 A You did.

18 Q Do you know if this message was disseminated to USAT
19 students to not use the phrase campus?

20 A I do not know if it was or not.

21 Q Is USAT accredited by CAAM-HP?

22 A No, it is not required to be.

23 Q Can you explain --

24 A It is accredited in the United Kingdom. We're a
25 British school.

1 Q Where is the headquarters of USAT?

2 A Montserrat, Olveston, Montserrat.

3 Q And I had to get my crib sheet for all the acronyms
4 in this case. Is it correct that CAAM-HP is the Caribbean
5 accreditation authority for education in medicine and other
6 health professionals?

7 A It's an emerging accrediting body. It is accredited
8 --

9 Q You understand --

10 A It has accredited --

11 Q Go ahead, I'm sorry.

12 A It's accredited maybe four schools so far.

13 MS. MCENROE: Your Honor, may I approach?

14 THE COURT: You may.

15 MR. SWATE: Your Honor, I'll object to this evidence.
16 We don't know where it came from. We don't know how it was
17 generated. We don't know whether it's changed or not.

18 MS. MCENROE: Your Honor, I'm going to ask some
19 questions to try and establish that.

20 THE COURT: Okay, ask him foundational questions.

21 MS. MCENROE: Thank you, Your Honor.

22 BY MS. MCENROE:

23 Q Dr. Tulp, has USAT tried to become accredited by
24 CAAM-HP?

25 A We have tried, but the government of Montserrat do

1 not accept CAAM as an accrediting body until September 13th,
2 2018.

3 Q I'm sorry, I didn't quite hear you. Did you say we
4 have tried or we haven't tried?

5 A I have attempted, but the government in Montserrat
6 would not accept CAAM as an accrediting body until September
7 13th of 2018.

8 Q Do you --

9 A Therefore, they would not endorse any accreditation
10 by CAAM. We were inspected by CAAM. We passed it with flying
11 colors.

12 They interviewed between 15 and 20 students on campus each
13 time that they were there, but only one surveyor showed up. He
14 had always Alzheimer's. He took no notes. He took no
15 pictures. He even forgot to pay his hotel bill. I had to.

16 Q Had you seen this letter before or this
17 determination?

18 A I've seen it before.

19 Q You have?

20 A And I would like to remark that there were more than
21 100 violations of the LCME protocol, which they said that they
22 applied when they conducted the site visit.

23 They're required to have three surveyors. They have only
24 one, a retired physician from Canada. And the other two
25 surveyors allegedly indicated here have never been to

1 Montserrat.

2 MS. MCENROE: Your Honor, I'd like to try strike as
3 nonresponsive everything after the witness said he's seen his
4 document before?

5 THE COURT: It's stricken.

6 MS. MCENROE: Thank you, Your Honor. I'd like to
7 move for admission of this document as Exhibit D-7?

8 THE COURT: Any objection?

9 MR. SWATE: No objection.

10 THE COURT: It's admitted.

11 (Defendant's Exhibit D-7 admitted into evidence)

12 BY MS. MCENROE:

13 Q I'd like the record direct your attention to the red
14 paragraphs in the middle.

15 A Uh-huh.

16 Q See the second paragraph there?

17 A Yeah.

18 Q It says, "Following discussions of the reviewers
19 report, CAAM-HP determined that this whole had not provided
20 sufficient evidence to indicate that teaching activities were
21 actually taking place in Montserrat." Do you see that?

22 A I see that. That is an incorrect statement. They
23 interviewed 15 students. They observed classes in session.
24 They were there for three days.

25 MS. MCENROE: Your Honor, permission to approach?

1 THE COURT: You may.

2 BY MS. MCENROE:

3 Q Dr. Tulp, what I just handed you is an email chain
4 that includes a message that starts with "dear students" and
5 then has your signature block at the bottom of the first page.

6 A Uh-huh.

7 Q Do you see this?

8 A I see that.

9 Q Is this a message that you've seen before?

10 A I don't know if I've seen this or not.

11 Q I'm going to read a little bit to you --

12 A Yeah.

13 Q -- to see if it refreshes your recollection?

14 A Yeah.

15 Q If that's all right?

16 A I did not write this.

17 Q Okay, but do you see your signature block there?

18 A My signature block appears on everything, whether
19 I've signed or seen it or not.

20 Q Okay, well, I want to see if I can refresh your
21 recollection.

22 A That includes the documents from the ECFMG that I
23 receive. They already have my signature attached. I have not
24 signed it. I never gave authorization for them to sign my
25 documents.

1 MS. MCENROE: Your Honor, I would move to strike as
2 nonresponsive. I don't know what question the witness was
3 responding to.

4 THE COURT: Stricken.

5 BY MS. MCENROE:

6 Q So I'd like to see if I can refresh your recollection
7 about whether you've seen this before. So where it says "dear
8 students" on the first page, then there's a paragraph that
9 starts ECFMG. Do you see where I am?

10 A Uh-huh.

11 Q Okay, and it says, "ECFMG is questioning our delivery
12 of the basic sciences because some students didn't attend on
13 Montserrat due to past volcanic activity on Montserrat." Do
14 you see that?

15 A I see that.

16 Q Okay, and then I'd like to go to the second paragraph
17 there. It starts with, "We will now begin." Do you see that?

18 A I see that.

19 Q It says, "We will now begin offering the basic
20 science portion of our program at our campus on Montserrat as
21 early as October 1st, 2018 and at our new British Virgin
22 Islands campus as soon as January 2019." Do you see that?

23 A I see that.

24 Q Does that refresh your recollection whether you've
25 seen this message before, whether or not you've authored it?

1 Q I didn't author it. And I don't believe that I've
2 actually seen this before.

3 Q Okay, so stepping away from that --

4 A But we've have basic sciences in Montserrat for many,
5 many years. We've just graduated the first two students who
6 completed their entire four years in Montserrat, the first two
7 that did the entire four years basic sciences and clinical
8 sciences on the island of Montserrat.

9 The volcano was quieting down until about four years ago,
10 it would erupt every -- about once a month. That is not a safe
11 environment.

12 MS. MCENROE: Your Honor, I'd move to strike.

13 THE COURT: Stricken.

14 BY MS. MCENROE:

15 Q Stepping away from the document, because I understand
16 that you say may not have seen it before, is it true that USAT
17 opened a new campus on the British Virgin Islands in 2019?

18 A We have been licensed in the British Virgin Islands
19 for some time now.

20 Q And is that going to be the same USAT or is that
21 going to be a new medical school?

22 A We haven't released that information yet.

23 THE COURT: Well, can you respond to the question,
24 please?

25 THE WITNESS: It will not be USAT.

1 BY MS. MCENROE:

2 Q So you're opening a new medical school on another
3 island in the Caribbean; is that correct?

4 A Not a volcanic island.

5 Q Is USAT still in operation?

6 A Yes.

7 Q Does USAT have graduates that ever practiced medicine
8 in Montserrat?

9 A Yes.

10 Q Does USAT have graduates that ever practiced medicine
11 outside of Montserrat or the United States?

12 A Yes.

13 Q Does USAT have graduates that have ever practiced
14 medicine in the United Kingdom?

15 A I'm not aware of any. We don't recruit from the
16 United Kingdom that much. My recollection is the United
17 Kingdom has about 20 or 30 medical schools of its own and
18 they're excellent medical schools.

19 Q Are you aware of any USAT students having been
20 charged with irregular behavior?

21 A Yes.

22 Q In connection with this circumstance that we're
23 discussing today?

24 A Yes.

25 Q Who was that?

1 A I'm not at liberty to say.

2 THE COURT: Respond to the question.

3 THE WITNESS: The one student that told me he'd made
4 one call, a single call to the ECFMG. And on the basis of that
5 single call, he was assigned irregular behavior.

6 When he applied to take the Puerto Rico Medical Board
7 Exam, they denied him because of irregular behavior on the
8 basis of a single phone call to the ECFMG, when all he was
9 asking for is guidance on how to apply for step one.

10 Q When did that happen?

11 A A couple years ago.

12 Q Do you have any understanding whether that -- was it
13 all in connection with the circumstances with regard to where
14 USAT has conducted its medical education?

15 A I am not aware that it was connected or not connected
16 to that.

17 Q Do -- what is that student's name?

18 A I don't know whether it was connected or not, but
19 that's -- but --

20 Q I'm sorry, doctor, I was asking about the student's
21 name?

22 A I mean, I can't give you the student's name.

23 THE COURT: Respond to the question.

24 BY MS. MCENROE:

25 Q If you know?

1 A Yeah, it'll come to me. I know his name, but it's a
2 very long Spanish name.

3 Q Do you have an understanding of whether the action
4 ECFMG took against you with respect to the allegation of
5 irregular behavior prevents you from opening a new medical
6 school in the British Virgin Islands?

7 A Anyone can open a medical school if they have the
8 resources to do so.

9 Q Is it fair to say that it is not preventing you from
10 opening a new medical school in the British Virgin Islands?

11 A It doesn't prevent us from opening it, but it would
12 prevent us from attracting students.

13 Q So you said --

14 A There's no chance that we could attract students with
15 that note on the World Directory. That's only two-thirds of
16 the note. The other third was removed after the subpoenas were
17 delivered.

18 MS. MCENROE: Your Honor, I strike as nonresponsive
19 to any question that was pending.

20 THE COURT: It's -- I'm not going to strike it, but
21 would you please just answer the question?

22 THE WITNESS: Would you rephrase the question, so I
23 can understand it?

24 MS. MCENROE: So I'm just trying to understand --

25 THE COURT: Let me just ask a series of questions.

1 MS. MCENROE: Yeah, thank you, Your Honor.

2 THE COURT: Are you opening a new school in the
3 British Virgin Islands?

4 THE WITNESS: None in our plan.

5 THE COURT: And when you say our, who is our?

6 THE WITNESS: The university.

7 THE COURT: So USAT?

8 THE WITNESS: USAT would sponsor it.

9 THE COURT: USAT will sponsor the university in the
10 British Virgin Islands?

11 THE WITNESS: Yes, we were invited about two years
12 ago to begin claiming for this. But I mean, by British Virgin
13 Islands.

14 THE COURT: And will the new university be called
15 USAT?

16 THE WITNESS: No.

17 THE COURT: What will it be called?

18 THE WITNESS: As far as I know, it will be called the
19 University of Health and Humanities, British Virgin Islands or
20 the Virgin Islands. You can leave out the British.

21 THE COURT: You indicated that it would have
22 difficulty recruiting students?

23 THE WITNESS: Yes.

24 THE COURT: Well, when you said that, were you
25 referring to USAT in Montserrat? Or were you suggesting that

1 the new British Virgin Island school would have difficulty
2 recruiting students?

3 THE WITNESS: It would have difficulty recruiting
4 students because of the activities with the sponsored note on
5 the -- for USAT Montserrat.

6 THE COURT: Well, the sponsor note is associated with
7 USAT, correct?

8 THE WITNESS: That's correct.

9 THE COURT: So what is your understanding about how
10 that note can connect with the British Virgin Islands?

11 THE WITNESS: Because the ownership of the new
12 university began with USAT.

13 BY MS. MCENROE:

14 Q Dr. Tulp, do you have an understanding -- you
15 testified a little earlier about some graduates from USAT being
16 able to practice medicine in Montserrat and other places
17 outside the United States; is that correct?

18 A Yes, uh-huh.

19 Q Do you have any understanding of whether ECFMG is at
20 all involved in the licensure or certification of those
21 graduates?

22 A In 2005, there were not. The body there is the CAAM
23 C exam, the Caribbean Medical Board Exam. If they were to
24 apply today, they would not be able to.

25 Q And that's a decision of the Montserratian

1 government?

2 A No, that's a decision of the ECFMG, because the ECFMG
3 sponsor note applies to the United States of America, but the
4 ECFMG cooperates with virtually every medical board in the
5 world.

6 They all refer to your services. I've seen documents that
7 you have sent to me to certify from Australia, from Denmark,
8 from other countries, from any other -- and Canada. Canada has
9 already suspended access for USAT graduates based on the ECFMG
10 sponsoring note.

11 Q Dr. Tulp, has USAT sought accreditation to be a U.S.
12 medical school?

13 A No, it has not.

14 MS. MCENROE: I have nothing further, Your Honor.

15 THE COURT: Redirect and cross of Ms. McEnroe's
16 direct?

17 CROSS-EXAMINATION

18 BY MR. SWATE:

19 Q Doctor?

20 A Yeah.

21 Q As we sit here in this room today, is USAT a licensed
22 medical school by Montserrat?

23 A Yes, it is.

24 Q And also, is there another entity other than
25 Montserrat that licensed -- that accredits USAT?

1 A Yes, the ASIC in the U.K., the accrediting system for
2 international schools, colleges, and universities except -- and
3 that's an institutional accreditation as opposed to a
4 programmatic accreditation.

5 Q And --

6 A But we're also accredited by the AICP, which is in
7 the United States. That's the American Institute for Clinical
8 Psychotherapy. And also by the American Association for Higher
9 Education and Accreditation. And that latter one is also
10 institutional.

11 Q Is the ECFMG an accrediting agent of a medical
12 school?

13 MS. MCENROE: Objection, Your Honor. Foundation.

14 THE COURT: You can answer the question.

15 THE WITNESS: I may answer?

16 THE COURT: Go ahead.

17 THE WITNESS: No, the ECFMG is not an accrediting
18 body.

19 BY MR. SWATE:

20 Q But they acted as an accrediting body, correct?

21 A Yes, they do.

22 Q Essentially what -- let's go through the process of
23 what was happening to students who were sending in requests for
24 information from the ECFMG, based on your knowledge of what was
25 happening?

1 A They were told they should transfer it to another
2 medical school immediately. They were told that they had to
3 complete those affidavits or they could be assigned irregular
4 behavior or be fined -- alleged for perjury.

5 There are various penalties for someone who may have
6 graduated 10 years ago and may or may or not remember the exact
7 dates that they started school.

8 Q If you know, what was being -- what was happening to
9 the students who didn't send in the affidavit, their records?
10 What was happening to their records, if you know?

11 A Those records are frozen and they cannot proceed any
12 farther until they complete the affidavits.

13 Q What's the effect of having frozen records from the
14 ECFMG?

15 A You cannot proceed to the residency or licensure.

16 Q These letters that they presented here today, did
17 they present those letters to you?

18 A No, they do not.

19 Q Let me finish my question.

20 A Oh.

21 Q It -- by someone from the USFMG in the hearing?

22 A No, they do not.

23 Q They didn't give you an opportunity to respond to
24 those letters, did they?

25 A No, they do not.

1 Q And one of the letters is obviously written by
2 someone other than you?

3 A Yes.

4 MS. MCENROE: Objection, Your Honor. Foundation.
5 And is that a question?

6 THE COURT: Sustained.

7 BY MR. SWATE:

8 Q Appendix H, do you have that in front of you?

9 A What page would that be?

10 Q I don't know, I just have exhibit that -- it would be
11 one of the last letters she showed you.

12 MR. SWATE: Your Honor, can I approach the witness?

13 THE COURT: You may.

14 THE WITNESS: Yeah.

15 MR. SWATE: I'm going to show you what's the what I
16 have is it's right here, Appendix H. And on the back of that,
17 there's a letter supposedly from you. Would you read the last
18 sentence of that letter?

19 MS. MCENROE: Your Honor, this was a letter was not
20 authenticated --

21 THE COURT: Yeah.

22 MS. MCENROE: -- and not admitted into evidence.

23 THE COURT: Yeah, this document was not admitted. So
24 therefore, any questioning about it is not appropriate.

25 MR. SWATE: I'm not questioning the letter or

1 anything it stands for. I'm requesting other than redirect, as
2 a cross of her redirect? Because obviously, the letter is not
3 from him.

4 THE COURT: Right on direct, there was the talk about
5 authentication and admissibility. And it was determined during
6 that examination that it was not from him. So therefore, it
7 was not admitted.

8 MR. SWATE: Okay, thank you.

9 BY MR. SWATE:

10 Q Now they talked a little bit about this CAAM
11 accreditation.

12 A Right.

13 Q When does that have to be in place?

14 A 2023.

15 Q It doesn't have to be in place now, does it?

16 A No.

17 Q Have you got a valid license from Montserrat?

18 A That is correct.

19 Q At this time?

20 A That is correct.

21 Q In 2023, it's going to be like Cinderella?

22 A Yeah.

23 MS. MCENROE: Objection.

24 THE COURT: Sustained.

25 BY MR. SWATE:

1 Q Okay.

2 A In 2023, we'll have it done.

3 THE COURT: So if I sustain an objection, you do not
4 answer the question.

5 THE WITNESS: So.

6 BY MR. SWATE:

7 Q Just one last question and I'll pass the witness.
8 And I believe I've asked you, but just to -- they presented
9 none of this evidence to the committee at the hearing, did
10 they?

11 A No, they did not.

12 MR. SWATE: Pass.

13 THE COURT: Now Ms. McEnroe, I believe at this point,
14 it would be your redirect of their cross?

15 MS. MCENROE: Your Honor, I have no further
16 questions. Thank you.

17 THE COURT: You can leave the stand.

18 Anyone else any other witnesses? No.

19 (Witness excused)

20 MS. MCENROE: Not from --

21 THE COURT: Okay, from Plaintiff, any other
22 witnesses?

23 MR. SWATE: Your Honor, before we rest, we have some
24 documents we'd like to put into evidence.

25 THE COURT: Well, do you have a witness who can --

1 MR. SWATE: Ask Dr. to --

2 THE COURT: To Dr. Tulp?

3 MR. SWATE: To Dr. Tulp.

4 THE COURT: Okay. Go ahead.

5 MR. SWATE: Yeah. Since --

6 THE COURT: No, Dr. Tulp, you have to go back on the
7 stand because he wants to introduce some documents through you.

8 MR. REIL: Your Honor, before I understand the --
9 maybe I'm at the wrong point of juncture, I just wanted to
10 before we rest indicate what documents we wanted to introduce
11 into evidence.

12 THE COURT: Well, I can tell you the ones that you
13 have had had admitted. You've had Exhibit B, which is the
14 World Directory note.

15 MR. REIL: That's one of them, yes.

16 THE COURT: You've had Exhibit C, which is the
17 Montserrat Agreement.

18 MR. REIL: Okay.

19 THE COURT: You have Exhibit D, which is the
20 affidavit.

21 MR. REIL: Yes. I thought there was also --

22 THE COURT: Wait a minute, we can -- you can say you
23 thought that once live gone through everything. Let me see. I
24 do not have records on Exhibit E, which is the November 21st,
25 2018 letter. Is that something that you wanted to have

1 admitted?

2 MR. REIL: Yes, there was testimony by Ms. Corrado on
3 that. I would move to admit it.

4 THE COURT: Any objection?

5 MS. MCENROE: No, Your Honor.

6 THE COURT: That's admitted, too.

7 (Plaintiff's Exhibit E admitted into evidence)

8 MR. REIL: And I have one more.

9 THE COURT: Hold on. Which is the other one?

10 MR. REIL: The other one, I believe, that there was
11 testimony on was --

12 THE COURT: Identify it, yeah.

13 MR. REIL: Yes, Exhibit G. It was the fifth letter
14 down, the letter of 11/14/18 to Dr. -- Attorney Swate at page
15 22. I asked Ms. Corrado about that is my recollection about
16 the faculty.

17 THE COURT: Exhibit G, did you say?

18 MR. REIL: Exhibit G. And I have six letters listed.
19 It would be at page 23.

20 THE COURT: I have no indication that that was -- oh.

21 MR. REIL: If I might.

22 THE COURT: Okay, I don't an indication that that was
23 admitted. That was the page 23, correct?

24 MR. REIL: Yes, Your Honor.

25 THE COURT: Any objection to page 23 being admitted?

1 MS. MCENROE: No objection.

2 THE COURT: That's admitted.

3 (Plaintiff's Exhibit G admitted into evidence)

4 MR. REIL: That's all I have, Your Honor.

5 THE COURT: Okay.

6 MS. MCENROE: And Your Honor, while we're admitting
7 exhibits, if you wouldn't mind, we have a number of exhibits
8 attached to our opposition to our motion -- sorry, our
9 opposition to the motion for preliminary injunction.

10 If you -- with the Court's permission, I'd like to
11 recall Ms. Corrado, if I could, to authenticate and can I just
12 have the exhibits admitted?

13 THE COURT: I have no -- you can leave the stand now.

14 THE WITNESS: Okay.

15 (Witness excused)

16 THE COURT: I have no problem with that, but it will
17 be better if you could just stipulate. Which documents are
18 they?

19 MS. MCENROE: I don't know if you have the --

20 THE COURT: I do.

21 MS. MCENROE: -- exhibits in question. So I would
22 like to -- Exhibit 1 is a printout of the ECFMG website about
23 ECFMG.

24 THE COURT: Any objection to Exhibit 1 being
25 admitted?

1 MR. REIL: Your Honor, we weren't given any notice
2 that these exhibits were going to be put into --

3 THE COURT: Well, you're getting notice now, okay,
4 that's what we're talking about.

5 MR. REIL: Oh.

6 THE COURT: So let's talk about it.

7 MR. REIL: Okay.

8 THE COURT: Let's talk turkey. Exhibit 1 to the
9 Defendant's motion, you have any objection to that being
10 admitted?

11 MS. MCENROE: Sure, I don't think the note's in here.

12 MR. REIL: I have to --

13 Yeah, fine.

14 Yeah, no objection.

15 THE COURT: Admitted.

16 (Defendant's Exhibit 1 admitted into evidence)

17 MS. MCENROE: Exhibit 2, please, Your Honor?

18 THE COURT: The ECFMG Medical School policy --
19 international medical school definition. Any objection to
20 that?

21 MR. REIL: I have to know what purpose it's being
22 admitted for here?

23 MS. MCENROE: Your Honor, it's for the purposes as
24 used in our opposition for the motion for preliminary
25 injunction to help provide the factual background for the

1 Court, what we think is necessary to rebut the Plaintiff's
2 motion for preliminary injunction.

3 In particular, this helps to lay out the fact that
4 ECFMG defines international medical schools as an international
5 medical school as an educational facility located in a country
6 outside of the United States and Canada with its primary campus
7 and main operations located in that country. And there's
8 additional information in here, too.

9 THE COURT: Well, I'm going to tell you that I'm
10 going to allow either Ms. Corrado or Ms. Cover to come up and
11 talk about this document.

12 And I'm pretty sure it's admissible, given that it's
13 an ECFMG school policy. So we can do the hard way or we can do
14 it the easy way.

15 MR. REIL: Well, let's do it the easy way.

16 THE COURT: Excellent, that's admitted.

17 (Defendant's Exhibit 2 admitted into evidence)

18 MS. MCENROE: Thank you, Your Honor. Exhibit 3 is
19 the 2009 information booklet for ECMG (sic). This -- each
20 year, ECMG publishes an information booklet laying out a full
21 range of information for the applicants coming through its
22 processes.

23 This includes a copy of the irregular behavior
24 policy. And I'd be prepared to introduce and have it
25 authenticated by either Ms. Corrado or Ms. Clover.

1 THE COURT: Any objection?

2 MR. REIL: No, Your Honor -- yes, Your Honor. That
3 applies to 2019. All right, that's what it says on there,
4 ECFMG certification. I don't know how, if any, it is changed
5 from what we were concerned of primarily, the hearing note in
6 November of 2000.

7 THE COURT: What's your response to that?

8 MS. MCENROE: Understood, Your Honor. At the bottom,
9 it has the September 13th, 2018. I believe this is sort of a
10 school year 2019 document, but I'd be happy to get one of the
11 witnesses up and they could testify as to any changes if
12 necessary.

13 THE COURT: Okay.

14 MR. REIL: Would you be willing to stipulate -- oh,
15 is your witness going to say that there are no changes?

16 MS. MCENROE: I think no relevant changes to the
17 irregular behavior policy for certain.

18 MR. REIL: Yes, Your Honor.

19 THE COURT: Okay, that's admitted.

20 (Defendant's Exhibit 3 admitted into evidence)

21 MS. MCENROE: Thank you, Your Honor. Exhibit 4, I
22 believe had already been admitted in the form of one of the D
23 exhibits. So we can skip that one unless my co-counsel
24 corrects me.

25 MR. REIL: That's correct.

1 MS. MCENROE: Same with Exhibit 5 and Exhibit 6.

2 MR. REIL: Just --

3 MS. MCENROE: Sorry, I'm going fast.

4 MR. REIL: My fingers don't work. Okay, all right,
5 all right. 4, we have to --

6 MS. MCENROE: So --

7 THE COURT: 4 and 5 previously admitted?

8 MS. MCENROE: Correct, Your Honor. I believe 6 and 7
9 have also previously been admitted.

10 MR. REIL: Counsel's representation, I agree.

11 THE COURT: Okay.

12 MS. MCENROE: Yeah, so I think we're up to Exhibit 8,
13 Your Honor, which is another letter from Ms. Corrado to Dr.
14 Tulp that we would submit for admission into evidence.

15 THE COURT: Any objection?

16 MR. REIL: No, Your Honor.

17 I have that anyway, I think.

18 (Defendant's Exhibit 8 admitted into evidence)

19 MS. MCENROE: Your Honor, Exhibit 9 is a declaration
20 from Ms. Corrado. I submit for its admission into evidence
21 today.

22 THE COURT: That will not be admitted.

23 That's -- I'll just deal with that as a declaration.

24 MS. MCENROE: Sure.

25 THE COURT: All right.

1 MS. MCENROE: I'd like to move for admission of
2 Exhibit Number 10. This is a letter from Mr. Swate counsel to
3 Ms. Corrado

4 THE COURT: Any objection?

5 MR. REIL: One moment, Your Honor. I'd like to know
6 for what purpose this is being offered?

7 MS. MCENROE: Again, this is another exhibit that's
8 been submitted in conjunction with our opposition to
9 preliminary injunction. So I think it's on the face of our
10 opposition about the facts that we've relied on before.

11 THE COURT: Yeah, but it's a statement by an attorney
12 containing his views on the litigation. So I'm not going to
13 allow that to be admitted.

14 MS. MCENROE: Understood, Your Honor.

15 THE COURT: Go ahead.

16 MS. MCENROE: Exhibit 11's already been admitted.
17 Sorry, Your Honor. Just (indiscernible). Again, Exhibit 12.
18 Exhibit 13, I would move for admission of ECFMG meeting --
19 message that I'd be prepared to bring either Ms. Cover or Ms.
20 Corrado up to authenticate.

21 MR. REIL: One second, Your Honor or one moment, Your
22 Honor.

23 THE COURT: Uh-huh. What is MECC Support?

24 MS. MCENROE: The Medical Education Credentials
25 Committee support. So that committee that had the hearing in

1 November, it's called internally at ECFMG the MECC.

2 MR. REIL: Yes, Your Honor.

3 THE COURT: Okay.

4 (Defendant's Exhibit 13 admitted into evidence)

5 MS. MCENROE: Your Honor, I'd move for admission of
6 Exhibit 14. This is an email from Ms. Corrado to Dr. Swate
7 from November 2000 -- oh, you know what? Has this one already
8 been admitted? I'm sorry. I think in a different form,
9 Plaintiffs have this email admitted.

10 THE COURT: Okay, what else?

11 MS. MCENROE: Exhibit 1 -- Exhibit 15 is a hearing
12 transcript and I'd move for its admission.

13 THE COURT: That I would just deal with as a
14 transcript rather than an admitted document.

15 MS. MCENROE: Thank you, Your Honor. That's it from
16 us, Your Honor. Thank you.

17 THE COURT: Okay, and argument? Opportunity for
18 argument if you wish.

19 MR. REIL: Sure.

20 THE COURT: Would you like to take a brief break
21 before we started argument?

22 MS. MCENROE: That would be appreciated.

23 MR. REIL: Yes, Your Honor.

24 THE COURT: Five minutes.

25 MS. MCENROE: Thank you.

1 THE COURT RECORDER: All rise.

2 (Recess at 4:38 p.m., until 4:47 p.m.)

3 THE COURT RECORDER: All rise.

4 THE COURT: Okay, let's hear argument.

5 MS. MCENROE: Your Honor, it's my position that it's
6 their burden of proof, so --

7 THE COURT: Yes, we already -- well, they would have
8 to go first.

9 MS. MCENROE: Thank you, Your Honor.

10 MR. SWATE: If it pleases the Court, ECFMG had agreed
11 on their own that all documents and applications from students
12 of USAT would be honored until January the 1st, 2019.

13 Nothing has -- nothing changed on that date. This is
14 not an allegation that you're running a rogue school. The
15 result of the students have been exemplary students who
16 normally wouldn't have the opportunity to go to medical school,
17 they would go to medical school. They achieved great results
18 on the test.

19 If the ECFMG tests are valid indications of education
20 of the students, the students are getting a great education at
21 USAT.

22 The harm that would result to USAT and Dr. Tulp would
23 be it essentially closes the school down. That's the practical
24 effect of not allowing the status quo to be maintained.

25 With its notations on the website, the student that

reads that is certainly not going to enroll in a school or not going to continue.

Now the damage to the students is the students are in various stages of education. Some are in their second year. Some are in their third year. Some are in their fourth year.

So by just wiping that out immediately, it would do a great harm to them, but also, it'd be great harm to the docket, too, because he has a property interest in the medical school.

Public policy, the students who have graduated in USAT have been a benefit to the medical system in the United States. You're not unleashing incompetent students. They go forward, and they do a good job, and they take care of American citizens that need medical care.

The damage to ECFMG by allowing the status quo to be maintained till this issue is resolved is minimal, because the issues we're going to be presenting is our position is that ECFMG is a quasi-government agency. They've been delegated by every state and agency -- every state and medical board in this country to qualify international medical students.

So if they can enter the system without opening a schedule, then the students are blocked from entering the system.

So there's no damage. They can't claim well, you're producing these horrible students, a locus on the United States and harming people. There's no harm to be done by allowing the

1 status quo to exist.

2 It also benefits the general public, because 25
3 percent of health care in the United States is rendered by
4 international medical graduates that go through this ECFMG
5 process.

6 And that -- our position is Dr. Tulp was obviously
7 denied due process. Now whether he is entitled to it or not
8 entitled to it is a question to be resolved. Whether ECFMG has
9 to give him some degree of due process is a question to be
10 answered later on.

11 And I think it will be answered in this case. But
12 the question today is what harm or result of maintaining the
13 status quo? And that's what we're asking to do, maintain the
14 status quo until this case is decided.

15 And I don't think they can demonstrate any great harm
16 to the students if they're allowed the next six months or eight
17 months, however long it takes to resolve the case, because they
18 will probably resolve very quick to continue with their
19 education.

20 And then at the end, if they need to transfer, like
21 they were -- they suggesting January the 1st, 2019, they can
22 and the damage has been done.

23 That's the -- the fact issue in this case is what I
24 believe is not the issue today. The issue today is not the
25 facts, because they didn't -- they would not give us the facts

1 at the hearing. Just refused to do so.

2 And again, there's all kinds of questions about the
3 process. But with respect to that, I ask the Court to issue a
4 temporary injunction to allow the -- that would require that
5 ECFMG to process the students' paperwork.

6 It doesn't mean that they have to agree to every
7 piece of paper that comes along. They do their normal
8 procedure, but they just process the paperwork in a normal
9 fashion instead of just totally blocking it.

10 And if they have problems with the paperwork, of
11 course, they could do whatever is reasonable to do. And I
12 think that's our approach and we believe it's reasonable.
13 Thank you.

14 THE COURT: Thank you. Ms. McEnroe?

15 MS. MCENROE: May I approach, Your Honor?

16 THE COURT: You may.

17 MS. MCENROE: Your Honor, I'm going to try to keep
18 this brief, because we briefed it extensively in our papers.
19 So I'm not going to hit every point, but there are a number of
20 things I want to just make sure I clarify.

21 Mr. Swate said a number of times that he was seeking
22 to maintain the status quo. This motion for preliminary
23 injunction that's being cited today was filed on January 2nd,
24 2019.

25 The status quo as of that time is that the finding of

1 irregular behavior had already gone into effect and the sponsor
2 note had already gone into effect.

3 What changed January 1st, 2019 is the issue that
4 counsel brought up a number of times. That date had been
5 noticed to the public and to USAT from October 2018.

6 Their public policy and student interest definitely
7 keeps raising, notably, USAT is not a party here. The students
8 are not a party here. ECFMG takes its role in trying to
9 protect the public and interfacing with the students and
10 graduates that it works with very seriously.

11 And what happened on January 1st, 2019 is that the
12 notice ECFMG had provided in advance about the change in status
13 of this school went into effect.

14 And why did it go into effect? Because ECFMG was not
15 sure and hadn't been provided evidence that USAT is truly
16 international medical school.

17 ECFMG only tries to reach as far as its grasp. It's
18 not trying to issue sponsor notes to the University of
19 Pennsylvania Medical School.

20 It's not trying to issue certificates to graduates of
21 medical schools that it does not deem to be within its -- and
22 within its definition of an international medical school.

23 University of Sciences, Arts, and Technology does not
24 fall within that definition as far as ECFMG is concerned. And
25 that's become abundantly clear.

1 There's a -- you know, we can talk semantics on
2 campus, not campus, whatever. We heard today, and it's been
3 admitted into evidence, Dr. Tulp has called it a Miami campus.
4 There were cadavers dissected in Miami. There was education
5 happening in the United States. But yet, he hasn't gotten his
6 school to be accredited as a medical school in the United
7 States.

8 At the same time, ECFMG has failed to declare that it
9 doesn't feel capable of certifying its graduates going forward,
10 because it's concerned that it's not an international medical
11 school to meet ECFMG's definition.

12 That puts it as sort of a loophole school, that's not
13 going to be getting its authorization from anybody, which is a
14 concern to ECFMG, which tries and its mission is to protect the
15 health of the public.

16 ECFMG is (indiscernible) to hear -- it's wonderful to
17 hear that the USAT students are great doctors in serving the
18 public in the United States because there are 13 years, or 15
19 years, sorry, 15 years of graduates from that school that are
20 eligible to become medical professionals in the United States
21 through residency programs and certification from the ECFMG.

22 We have not taken -- ECFMG has not taken action to
23 file allegations of irregular behavior or take other sort of
24 actions against students from USAT on this basis
25 retrospectively.

1 Prospectively, ECFMG provided notice. But it may be
2 I'm getting too much in the weeds, because the truth of it is
3 we're here for a preliminary injunction.

4 And one day, I may be here arguing the full merits of
5 the case. And Plaintiff just has not met the very high
6 standard for a preliminary injunction.

7 The status quo issue, I think, is a big one. I think
8 we're sitting here now where the status quo they're seeking to
9 have overturned is that ECFMG would have to start recognizing
10 USAT, when it already has stopped recognizing USAT, basically
11 putting us in a position that if we were to be ordered to
12 change the sponsor note now, ECFMG would be getting forced by
13 this Court to tell the public that ECFMG deems graduates from
14 USAT to be eligible to be certified by ECFMG when ECFMG does
15 not deem that to be true.

16 If this Court were to go one step further, it would
17 be on this Court's discretion to tell us that we must certify
18 those graduates if they meet our other requirements
19 substituting this Court's opinion for ECFMG's.

20 So that I'm just trying to make sure, practically
21 speaking, it's clear what it is that an injunction here would
22 be seeking to do.

23 We think that just proves too much and goes too far,
24 especially on the very thin record that Plaintiffs have
25 provided you.

1 Plaintiff notably has not provided any evidence that
2 the underlying basis for ECFMG to take the action that it has
3 is incorrect, other than semantics.

4 Trying to say an administrative location versus a
5 campus, even though they admit that students were dissecting
6 cadavers in the United States and taking other extensive
7 lecture courses, which is in that lecture document we had
8 admitted into evidence.

9 This is troubling to us. And they've had a lot of
10 opportunities to fix it. They could have even handed us
11 something today, said hey, Florida or Colorado, and somewhere
12 in the United States where we're doing these things, authorizes
13 us to do so and they haven't done that.

14 And we posit it's because they can't. And until they
15 can satisfy that they are truly an authorized school, operating
16 the way that they would need to, to qualify as an international
17 medical school for our purposes, we just don't think we have
18 the authority. We're trying to be limited here in what we can
19 possibly do.

20 Now we communicated that publicly through our sponsor
21 note, saying the truth of it is, hey, student -- potential
22 students, hey, others in the medical world, so you know, if
23 someone comes to us who's a 2019 grad, a 2020 grad, they're not
24 going to be eligible for certification.

25 We're trying to -- we're not trying to besmirch

1 anyone. We're trying to just be accurate, so that there's fair
2 warning out in the public, so that people know.

3 In terms of due process, I would encourage Your Honor
4 to look at the extensive jurisprudence we've provided to you on
5 ECFMG being a state actor or not.

6 The 3rd Circuit has held that ECFMG is not a state
7 actor. Other courts in this district have similarly so held.
8 We would posit that there hasn't been evidence taken or
9 submitted to indicate otherwise.

10 Counsel argued that 25 percent of health care in the
11 United States comes through the ECFMG. We take our obligation
12 very seriously.

13 And we are very concerned that if we were to
14 misrepresent USAT's role, if we were to abdicate on our
15 obligation to try and say, hey, we think this is a legitimate
16 school or we don't think this is a legitimate school, we worry
17 that we would lose the credibility of doing that in the market
18 place, which we find to be our goal.

19 That's what we do. We're good at it. We try and go
20 around and certify that students have done what they need to do
21 to enter residency programs in the United States.

22 We encourage Your Honor not to undermine that
23 authority that we have reasonably exercised. Dr. Tulp got
24 extensive notice. Dr. Tulp got extensive opportunities to
25 present his facts to us.

1 I submit to Your Honor, when you read the transcript
2 from the hearing on November 28th, it's correct. I shut down
3 the hearing, because counsel was completely and utterly
4 preventing the committee from asking any questions of Dr. Tulp,
5 to get any sort of clarification on the facts and to
6 understand.

7 We weren't trying to deny anyone due process. We
8 were trying to provide an extra layer of due process above what
9 we, a nonstate actor, even would need to provide.

10 So at the risk of not going on and on, Your Honor, if
11 there's a particular thing you'd like to hear about, I'd be
12 happy to argue further, but otherwise, I can let us bring this
13 to a close.

14 THE COURT: Okay, thank you.

15 MS. MCENROE: Thank you.

16 THE COURT: Present and before the Court is
17 Plaintiff's motion for a preliminary injunction against
18 Defendant's Education Commission for Foreign Medical Graduates,
19 known as ECFMG and Dr. William Pinsky, collectively Defendants.

20 Plaintiff is president of the University of Science,
21 Arts, and Technology, USAT, a medical school located on the
22 British overseas territory of Montserrat.

23 ECFMG is a private nonprofit organization based in
24 Philadelphia, but certifies foreign medical school graduates,
25 so that those students can pursue postgraduate medical training

1 in the United States.

2 With a certification from ECFMG, graduates of foreign
3 medical schools like USAT begin the process of practicing
4 medicine in the United States. Pinsky is the president and CEO
5 of ECFMG.

6 Plaintiff's suit is in effect, a response to
7 disciplinary action taken by ECFMG against USAT and Tulp
8 specifically.

9 According to documents attached to the complaint and
10 admitted here at the hearing today, ECFMG investigated and
11 subsequently sanctioned USAT and Tulp for providing false
12 information to ECFMG regarding the school's activities.

13 Specifically, ECFMG found that, one, USAT was
14 operating unauthorized branch campuses within the United
15 States; and two, Tulp personally provided false information to
16 ECFMG regarding USAT's student attendance.

17 Following a hearing before ECFMG's board, at which
18 Pinsky presided, ECFMG concluded that Tulp had -- that Tulp and
19 -- Tulp had engaged in behavior that violated ECFMG's policies
20 and procedures.

21 As a result, ECFMG took the following action. It
22 determined that it will not accept any documents signed and/or
23 certified by Tulp for a period of five years; two, it undertook
24 steps to verify that USAT graduates had in fact attended USAT's
25 Montserrat campus; and three, held that USAT graduates with a

1 graduation year of 2019 and beyond are no longer eligible to
2 apply for ECFMG certification.

3 Plaintiff's suit alleges that Defendants violated his
4 constitutional rights and committed various common law torts.
5 He moved for a preliminary injunction, asking this Court to
6 enjoin Defendants from taking any further adverse action
7 against Plaintiff, resume processing the medical examinations
8 of the students of USAT, and release their examination scores,
9 and remove the negative advisory from the sponsor notes on the
10 World Directory of Medical Schools listing for the USAT College
11 of Medicine.

12 A Plaintiff seeking a preliminary injunction must
13 establish that he is likely to succeed on the merits, that he
14 is likely to suffer irreparable harm in the absence of
15 preliminary relief, that the balance of equities tip in his
16 favor, and that an injunction is in the public interest, that
17 is Winter v. Natural Resources Defense Council, Inc., 555 U.S.
18 7, page 20, 2008.

19 The failure to establish any element renders a
20 preliminary injunction inappropriate. That is Nutrasweet
21 Company v. Vit-Mar Enterprises, Inc., 176 F.3d 151, page 153,
22 3rd Circuit, 1999.

23 The movant bears the burden of showing that these
24 four factors weigh in favor of granting the injunction. See
25 Opticians Association of America v. Independent Opticians of

1 America, 920 F.2d 187, page 192, 3rd Circuit, 1990.

2 Plaintiff's complaint includes four causes of action
3 or four claims labeled as causes of actions. At the beginning
4 of this hearing, I clarified with Plaintiff what those claims
5 were and also clarified which claims the Plaintiff was
6 proceeding on in this preliminary injunction hearing.

7 Plaintiff's lawyer informed me that he was proceeding on the
8 constitutional claims, the §1983 claims.

9 Turning to the likelihood of success on the merits,
10 and that is Counts II and IV, §1983 claims, I find that
11 Plaintiff is unlikely to prevail on his §1983 claims because
12 they require a showing of state action, which is not present
13 here.

14 To prevail on a §1983 claim, Plaintiff must allegedly
15 violation of a right secured by the constitutional laws of the
16 United States committed by a person acting undercover of state
17 law. That's West v. Atkins, 487 U.S. 42, page 48, 1988.

18 The 3rd Circuit has held that as a private not-for-
19 profit organization, ECFMG is a private party and not a state
20 actor.

21 That's Opoku v. Education Commission for Foreign
22 Medical Graduates, 574 F.Appx. 197, page 201, 3rd Circuit of
23 2014.

24 As has the Southern District of New York in Stoninger
25 (phonetic) v. Educational Commission for Foreign Medical

1 Graduates, 1993 Westlaw 138954 at page 2, SDNY, April 28th,
2 1993, concluding ECFMG is not a state actor.

3 To the extent that Opoku is a nonprecedential
4 decision in that it is a nonpublished decision, I look to
5 possible exceptions to the state or instances where a private
6 actor can be found to engage in state action.

7 Those instances are limited and as set forth in
8 McKeesport Hospital v. Accreditation Counsel for Graduate
9 Medical Education, 24 F.3d 519, 524, 3rd Circuit, those
10 instances are if the private party acted with the help of or in
11 concert with state officials. In this case, there is no
12 indication that that happened.

13 Two, when the private party has been delegated their
14 power, traditionally exclusively reserved to the state. In
15 this case, there is no evidence that that is the case.

16 Or three, if there is a sufficiently close nexus
17 between the State and the challenge action of the private
18 entity, so that the action of the latter may be fairly treated
19 as the state itself.

20 In this case, the testimony was that ECFMG is a
21 nonprofit organization. And although there was testimony that
22 licensing boards in the United States generally require
23 certification through -- of students through ECFMG, the
24 testimony was that that requirement is a discretionary
25 requirement. Accordingly, I find that ECFMG has not shown at

1 this juncture of the litigation that it is a state actor.

2 While the lack of state action ultimately dooms
3 Plaintiff's constitutional claims, it is far from the only
4 problem with the §1983 claims.

5 ECFMG's disciplinary hearing seemingly meet the --
6 meets the requirements of due process in that an essential
7 principle of due process is that a deprivation of life,
8 liberty, or property be preceded by notice and opportunity for
9 hearing appropriate to the nature of the case. Cleveland Board
10 of Education v. Loudermill, 470 U.S. 532, 542, 1985. In this
11 case, there was notice and an opportunity to be heard.

12 As for Plaintiff's substantive due process claims,
13 the complaint does not identify a protected property interest
14 that falls within the ambit of substantive of due process.
15 Nicholas v. Pennsylvania State University, 227 F.3d, 133, page
16 141, 3rd Circuit, 2000.

17 Thus, Plaintiff's constitutional claims are likely to
18 fail, such that a preliminary injunction should not issue on
19 those claims.

20 Turning, however, in an excess of caution to the
21 irreparable harm prong on the preliminary injunction standard,
22 in addition to establishing a likelihood of success on the
23 merit, Plaintiff must also establish that he stands to suffer
24 irreparable harm if no injunction is issued.

25 Establishing a risk of irreparable harm is not

1 enough. A Plaintiff has the burden of proving a clear showing
2 of immediate irreparable harm.

3 The requisite feared injury or harm must be
4 irreparable, not merely serious or substantial and it must be
5 of a peculiar nature, so that compensation in money cannot
6 atone for it. That is Campbell Soup Company v. Conagra, Inc.,
7 977 F.2d, 86, page 92, 93, 3rd Circuit, 1992.

8 Plaintiff has made several arguments with respect to
9 the alleged harm that will befall USAT and its students. With
10 respect to USAT, the testimony was that there has been a fall-
11 off in applications and that tuition payments have ceased.

12 Nevertheless, the testimony was also that USAT may
13 continue as an institution, so long as Dr. Tulp is not a
14 signatory. Someone else from USAT could become an authorized
15 signatory. And USAT is not disqualified from substituting a
16 different person as the authorized signatory.

17 Similarly with students, the testimony is that as
18 yet, there is -- no harm has befallen any students in that
19 students who graduated in 2018, up and through 2018, can still
20 go through the ECFMG process.

21 While students are -- who graduate in 2019 cannot,
22 they can transfer for their credits and also the first
23 graduation will be this summer. So is -- there is no immediate
24 harm.

25 I go through the alleged harm to the students and to

1 USAT merely to illustrate that if the students or USAT were to
2 bring this preliminary injunction at present on the evidence on
3 the record, they would not have been able to meet the
4 irreparable harm standard.

5 Turning now to the harm that Plaintiff, as in Dr.
6 Tulp, says that he has or will suffer, he says in effect that
7 his business will stand to suffer because of Defendant's
8 actions.

9 Generally monetary harm in the form of lost business
10 does not constitute irreparable harm, because damages would be
11 an immediate remedy. And that is Franks GMC Truck Center v. --
12 Inc. v. General Motors, Corp., 847 F.2d 100, 102, 3rd Circuit,
13 1988.

14 However, some courts have recognized that the
15 recoverable monetary loss may constitute irreparable harm where
16 the loss threatens the very existence of the movant's business.
17 See Washington Metropolitan Area Transit Commission v. Holiday
18 Tours, Inc., 559 F.2d 849, 843, note 2, D.C. Circuit, 1977.

19 Here, Plaintiff has the burden of proving through a
20 clear showing of immediate irreparable injury that he will
21 suffer such harm absent an injunction. That's ECRI, 809 F.2d
22 at 226.

23 But as already discussed, there is no reason to
24 believe that with a change of signatory, and that USAT will not
25 be able to continue and therefore, in fact, the business need

1 not fail.

2 Thus, Plaintiff has not shown immediate irreparable
3 injury resulting from ECFMG's action and thus I will deny the
4 motion for preliminary injunction.

5 Turning now to one other issue, there was Defendant's
6 motion to quash. And I think that was wanting Mr. Pinsky at
7 the PI hearing. I understand that that is now moot?

8 MS. MCENROE: Correct.

9 THE COURT: Okay, so I will moot that out.

10 MR. REIL: Yes, Your Honor.

11 Now I'm going to turn to the Rule 16 conference.

12 MS. MCENROE: Your Honor, if I may with permission,
13 some of my witnesses have child care obligations
14 (indiscernible) if that's okay?

15 THE COURT: Go ahead. Yeah.

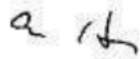
16 MS. MCENROE: Thank you.

17 THE COURT: I don't need those on the record. Okay,
18 so --

19 (Proceedings concluded at 5:14 p.m.)
20
21
22
23
24
25

CERTIFICATE

I, Chris Hwang, court approved transcriber, certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

February 14, 2019

Chris Hwang
Transcriber

Date

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 NO. 2:18-cv-05540-WB

4 DR. ORIEN L. TULP) DEPOSITION UPON
5)
6 Plaintiff,) ORAL EXAMINATION
7)
8 - vs -) OF
9)
10 EDUCATIONAL) WILLIAM W.
COMMISSION FOR) PINSKY, M.D.
11 FOREIGN MEDICAL)
GRADUATES and DR.)
12 WILLIAM W. PINSKY)
13)
14 Defendants.)

15 - - - - -

16 TRANSCRIPT OF DEPOSITION, taken
17 by and before DANA M. JONES, Professional
18 Reporter and Notary Public, at the
19 offices of MORGAN LEWIS, 1701 Market
20 Street, 18th Floor, Philadelphia,
21 Pennsylvania, on Wednesday, February 6,
22 2019, commencing at 10:00 a.m.

23 GOLKOW LITIGATION SERVICES
24 877.370.3377 ph/917.591.5672 fax
Deps@golkow.com

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and General Counsel

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19

20

21 A L S O P R E S E N T:

22 Dr. Orien Tulp

23 Christina Beatrice - Paralegal to William
Reid, Esquire.

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I N D E X

WITNESS	PAGE
WILLIAM W. PINSKY, M.D.	
By: Mr. Reil	6
By: Ms. McEnroe	X

- - -

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
Pinsky-1	Compilation of Documents	6

1
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LITIGATION SUPPORT PAGE

INSTRUCTION NOT TO ANSWER

PAGE LINE

(None)

REQUEST FOR PRODUCTION OF DOCUMENTS

PAGE LINE

(None)

1 (By agreement of counsel,
2 the sealing, filing, and
3 certification of the transcript
4 has been waived; and all
5 objections, except as to the form
6 of the question, have been
7 reserved until the time of trial.)

8 DR. WILLIAM PINSKY, after
9 having been duly sworn, was
10 examined and testified as follows:

11 (At this time, Compilation
12 of documents was marked for
13 identification as Exhibit
14 Pinsky-1.)

15 COURT REPORTER: Usual
16 stipulations?

17 MS. MCENROE: We'll reserve
18 all objections --

19 MR. REIL: Okay.

20 MS. MCENROE: -- other than
21 as to form until the time of
22 trial.

23 I don't know if there are
24 other stipulations you were

1 looking for.

2 MR. REIL: The -- let's go
3 off the record.

4 (At this time, a discussion
5 was held off the record.)

6 MS. MCENROE: And we will
7 read and sign.

8 MR. REIL: Before we begin,
9 I have this as Pinsky-1. It's
10 identical to what I used at the
11 hearing. I just put the moniker
12 Pinsky-1 on there.

13 I have one for the witness
14 and does the court reporter need
15 one?

16 COURT REPORTER: Sure.

17 (At this time, a packet of
18 exhibits was marked for
19 identification as Exhibit
20 Pinsky-1.)

21 - - -

22 EXAMINATION

23 - - -

24 BY MR. REIL:

1 Q. Dr. Pinsky, I'm Bill Reil.
2 I'm the attorney, one of the attorneys,
3 along with Tommy Swate for Dr. Tulp. I'm
4 not going to go through a lot of
5 instructions for depositions because I'm
6 sure your attorney has done that with
7 you. I guess there's a couple that, you
8 know, that I should mention, that I'm
9 sure you've already heard.

10 Your answers have to be
11 verbal. So shakes of the head and things
12 like that are hard to get down on the
13 record. We don't want you to guess or I
14 don't want you to guess but, you know,
15 you can estimate things if you want to.

16 If you don't understand the
17 question, you're allowed to say you don't
18 understand, you know, the question. And
19 then there's another litany of things,
20 which I'm sure you've heard that I'm not
21 going to -- that I'm not going to bother
22 to go over.

23 Oh, yeah, one I guess I
24 should, right -- is there any reason that

1 you can't give a deposition today: Don't
2 feel well, medical problems, anything
3 like that?

4 A. No.

5 Q. All right. I think I'm
6 going to begin by finding out a little
7 bit of your background if I might.

8 Let's see. How long have
9 you been a medical doctor?

10 A. I graduated from medical
11 school in 1973.

12 Q. And where was that?

13 A. Saint Louis University.

14 Q. And can you give me a
15 thumbnail sketch of what your medical
16 practice has consisted of from 1973 to
17 the present?

18 MS. MCENROE: Objection to
19 form. You can answer.

20 THE WITNESS: Yes. So my
21 goals after graduating from
22 medical school was to be a
23 pediatric cardiologist and to be
24 an academic pediatric

1 cardiologist. And I, after doing
2 my residency and fellowship, was
3 on the faculty full time at
4 several different universities.

5 BY MR. REIL:

6 Q. And how did you come to be
7 associated with the ECFMG?

8 A. The prior CEO was retiring
9 and a search firm was engaged to find a
10 successor and they contacted me to see if
11 I had interest.

12 Q. Okay. And I am going to,
13 even though I know the board is not the
14 ECFMG, it's just part of it, right, maybe
15 sometime I'll say the board, it's a
16 little shorter than all the initials.

17 When did you first join the
18 ECFMG?

19 A. I came in this position in
20 July of 2016.

21 Q. When you say you came in
22 this position, what position is that?

23 A. As President and CEO.

24 Q. Okay. Were you a member of

1 the, if I'm phrasing it right, were you a
2 member of the ECFMG before that?

3 MS. MCENROE: Objection to
4 form.

5 THE WITNESS: I don't know
6 what member means.

7 BY MR. REIL:

8 Q. Well, let's talk about -- I
9 don't know if we -- when was your first
10 association with the ECFMG?

11 A. As an employee?

12 Q. Yes. In any capacity.

13 A. Well, I became aware of
14 ECFMG when I was in medical school --

15 Q. Okay.

16 A. -- because I knew that there
17 were certain physicians that had to come
18 through the ECFMG to be able to practice.

19 Q. Go ahead. I'm sorry, I'm
20 interrupting.

21 A. No. That's when I first
22 heard of ECFMG.

23 Q. Right. And does one do --
24 did you -- how does it work? Did you

1 join the ECFMG as a member, as an
2 employee? Did you -- did your
3 association become more formal at some
4 time?

5 MS. MCENROE: Objection to
6 form.

7 THE WITNESS: So July 1st I
8 was hired -- I began my employment
9 as President and CEO.

10 BY MR. REIL:

11 Q. President and CEO. Okay.

12 And before that, were you
13 employed at all by the ECFMG?

14 A. No.

15 Q. Can you give me a summary of
16 what your job duties are as President and
17 CEO? I'll call it the board but I mean
18 ECFMG because I can say it easy.

19 MS. MCENROE: Objection to
20 form.

21 THE WITNESS: So I am
22 responsible and accountable to the
23 board. I'm the single employee
24 that's accountable to them. And I

1 have the responsibility and
2 accountability for meeting the
3 expectations of the board in terms
4 of overall performance of the
5 organization.

6 BY MR. REIL:

7 Q. When you say you're
8 accountable to the board, can you
9 elaborate on that?

10 A. They do an annual review of
11 my performance.

12 Q. And how many people are on
13 the board?

14 A. I think that there are 17 at
15 the moment. I could be off by one or two
16 because we've gone through some
17 transition of right sizing --

18 Q. -- well, that's good enough.
19 And you're also the CEO of the board?

20 A. No.

21 Q. No. Who is?

22 A. There's a Chairman of the
23 board.

24 Q. There's a Chairman of the

1 board. And who would that person be?

2 A. Currently the Chair of the
3 board is Dr. Andy Filak.

4 Q. Could you spell that for me?

5 A. F, like in Frank, I-L-A-K.

6 Q. Okay. And does Dr. Filak
7 work out of the building where you work
8 at, 36th and Market?

9 A. No.

10 Q. Where does he work out of?

11 A. In Cincinnati.

12 Q. 36th and Market is the
13 headquarters of the ECFMG; right?

14 A. Yes.

15 Q. What is in Cincinnati?

16 A. That's where Dr. Filak is
17 employed. Our board members are
18 voluntary board members so they have all
19 have other positions.

20 Q. Now, I believe, and correct
21 me if I'm wrong, that you said you're the
22 President and CEO.

23 A. Yes.

24 Q. Okay. What do you do in

1 your capacity as CEO?

2 MS. MCENROE: Objection to
3 form.

4 BY MR. REIL:

5 Q. You can answer.

6 A. I oversee the operations of
7 the organization.

8 Q. Is one of your functions to
9 carry out the policies of the
10 organization?

11 MS. MCENROE: Objection to
12 form.

13 THE WITNESS: It's my
14 responsibility to assure that the
15 leadership and employees follow
16 the policies of the organization.

17 BY MR. REIL:

18 Q. I see. And how do you
19 generally -- how do you do that?

20 A. By trust and verify.

21 Q. So is it fair to say that a
22 part of your job is to be familiar with
23 the policies of -- I like your word, the
24 organization?

1 A. Yes.

2 Q. Now, when did you become
3 aware of my client, Dr. Tulp?

4 A. Probably somewhere partway
5 through 2018.

6 Q. And how did Dr. Tulp come to
7 your attention?

8 A. Conversation was initiated
9 to inform me of a possible policy
10 violation.

11 Q. And with whom did you have
12 that conversation?

13 A. I have to assume it was with
14 the leadership of the Operations Group
15 and I think probably with counsel as
16 well.

17 Q. Well, we don't want anything
18 you told counsel.

19 But you said you had that
20 conversation, do you remember the name of
21 the person you had the conversation with?

22 A. I would assume it was with
23 Ms. Corrado and Cover.

24 Q. And what were you told?

1 MS. MCENROE: So I'll object
2 to the extent it calls for
3 privileged information. I don't
4 know if that's why you're
5 hesitating.

6 THE WITNESS: That's why I'm
7 hesitating, yes.

8 MS. MCENROE: So
9 substantively not to divulge
10 anything that was communicated to
11 counsel for the purpose of getting
12 legal advice. But facts
13 communicated to you unrelated to
14 seeking legal advice you can
15 testify about.

16 MR. REIL: I agree with
17 that.

18 THE WITNESS: So as I
19 recall, I was told that there was
20 an issue that a medical school was
21 operating in the United States and
22 not as an international school.

23 BY MR. REIL:

24 Q. And you we're talking about

1 USAT?

2 A. Yes.

3 Q. And did Ms. Corrado or Ms.
4 Cover give any sort of written report or
5 memo about this illegal operation to you?

6 MS. MCENROE: Objection to
7 form.

8 THE WITNESS: I don't recall
9 receiving it.

10 BY MR. REIL:

11 Q. Well, if you didn't receive
12 one, where would it be?

13 MS. MCENROE: Objection to
14 form.

15 THE WITNESS: I'm not sure
16 what you're asking me.

17 BY MR. REIL:

18 Q. Well, I think you said you
19 didn't recall receiving one. Okay?

20 A. I recall this as a
21 conversation not as a written report.

22 Q. Did you ask either -- have
23 you received any memos from or -- from
24 Ms. Corrado about either Dr. Tulp or the

1 USAT?

2 MS. MCENROE: Objection to
3 form.

4 THE WITNESS: Yeah, I don't
5 recall receiving it.

6 BY MR. REIL:

7 Q. Okay. You don't recall.

8 If you did receive them,
9 where would they be?

10 A. If they were electronic they
11 would be in an e-mail I assume.

12 Q. I didn't hear you.

13 A. I said if it was electronic
14 I assume it would be in an e-mail
15 somewhere, but I don't recall receiving
16 anything.

17 Q. By the way, I have a
18 question, I don't want to go too far
19 afield. I have a question about Ms.
20 Corrado. We have several documents from
21 her where she has JD, Juris Doctor after
22 her name, is she an attorney?

23 MS. MCENROE: Objection to
24 form.

1 THE WITNESS: Yes. I

2 believe she graduated from law
3 school.

4 BY MR. REIL:

5 Q. Do you know what law school
6 it was?

7 A. No.

8 Q. Now, I take it, did you in
9 your conversation with Ms. Corrado and
10 Ms. Cover, do you recall how they got the
11 information, alleged information, about
12 the illegal activities of USAT?

13 MS. MCENROE: Objection to
14 form.

15 THE WITNESS: So I recall in
16 the conversation that there was a
17 parent of a, I believe, a
18 prospective student, who had been
19 told that they -- if they enrolled
20 into school they would be going to
21 a campus in the United States.

22 BY MR. REIL:

23 Q. Prior to that time, had USAT
24 come to your attention with regard to any

1 alleged infractions?

2 MS. MCENROE: Objection to
3 form.

4 THE WITNESS: I don't
5 believe so.

6 BY MR. REIL:

7 Q. Was there any prior
8 initiation of irregular behavior prior to
9 this particular, shall we say incident --

10 MS. MCENROE: Objection --

11 MR. REIL: -- against Dr.
12 Tulp.

13 MS. MCENROE: Objection to
14 form.

15 THE WITNESS: Not that I'm
16 aware of.

17 BY MR. REIL:

18 Q. You say it came to your --
19 you mentioned a question or two ago about
20 a letter from a parent. Okay?

21 A. Well, I'm not sure if it was
22 a letter. It was some sort of
23 communication, not to me, but to the
24 Operations Department.

1 Q. To the Operations
2 Department?

3 A. To Ms. Corrado's department.

4 Q. Ms. Corrado is the head of
5 the Operations Department?

6 A. Ms. Cover is.

7 Q. Ms. Corrado works in the
8 Operations Department?

9 A. Yes.

10 Q. Do you know if that
11 conversation was memorialized anywhere by
12 e-mail or writing?

13 A. I don't know.

14 Q. If it was, who would -- who
15 would have it, would it be Ms. Cover?

16 MS. MCENROE: Objection to
17 form.

18 THE WITNESS: I would assume
19 so.

20 BY MR. REIL:

21 Q. Did the -- is there -- oh, I
22 should have asked you, I've been a little
23 remiss. Let me back up.

24 Before you came to the

1 deposition today, did you review any
2 documents?

3 A. Just a couple.

4 Q. Can you remember what they
5 were?

6 A. So one was the letter that
7 we sent to Dr. Tulp following the
8 appearance before the committee and the
9 other was the order for the deposition
10 today.

11 Q. And you were actually
12 present at Dr. Tulp's hearing before the
13 committee on, I think it was 11/24?

14 MS. MCENROE: Objection to
15 form.

16 THE WITNESS: Yes.

17 DR. TULP: 11/28.

18 BY MR. REIL:

19 Q. 11/28.

20 MR. REIL: Thank you,
21 Doctor.

22 THE WITNESS: Whatever the
23 day was, yes.

24 BY MR. REIL:

1 Q. And were you present for the
2 whole hearing?

3 A. Yes.

4 Q. Now, at some point did you
5 become aware that ECM launched a formal
6 investigation of Dr. Tulp and USAT?

7 I'm talking other than what
8 the parent communicated to you.

9 MS. MCENROE: Objection to
10 form.

11 THE WITNESS: So I'm not
12 sure exactly what you mean by
13 formal investigation.

14 BY MR. REIL:

15 Q. Well, at some point did the
16 organization hire people or use employees
17 to investigate these allegations of
18 campuses in the United States?

19 MS. MCENROE: Objection to
20 form.

21 THE WITNESS: So I'm aware
22 that we requested affidavits from
23 students to determine where they
24 were attending school. And staff

1 reviewed, I believe, other
2 information that was available.

3 BY MR. REIL:

4 Q. In this investigation of
5 USAT and its alleged United States
6 campuses, were any outside people hired?
7 And by outside people, I mean, private
8 investigators or people who were not
9 working for the organization.

10 MS. MCENROE: Objection to
11 form.

12 THE WITNESS: So people not
13 working for the organization, you
14 mean, that are not full time
15 employees; is that what you're
16 asking?

17 BY MR. REIL:

18 Q. Yes, like private
19 investigators.

20 A. I believe I'm aware at some
21 point somebody was hired to visit the
22 campus.

23 Q. And when you say somebody
24 was hired, was that somebody who worked

1 for the organization or was that an
2 outside person?

3 MS. MCENROE: Objection to
4 form.

5 THE WITNESS: Outside person
6 that was hired to do that.

7 BY MR. REIL:

8 Q. Okay. Was it just one
9 person or do you know if it was more than
10 one person?

11 A. I have no idea.

12 Q. Who hired them?

13 A. I don't know.

14 Q. Who would know that?

15 MS. MCENROE: Objection to
16 form.

17 THE WITNESS: The person
18 that hired them.

19 Somebody in the Operations
20 Department would know.

21 BY MR. REIL:

22 Q. Is it likely that Ms. Cover
23 would know that?

24 MS. MCENROE: Objection to

1 form.

2 THE WITNESS: Possibly.

3 BY MR. REIL:

4 Q. And when this -- was --
5 strike that.

6 When this person reviewed
7 the alleged campuses, did they make a
8 report back to the organization, if you
9 know?

10 A. I don't know.

11 MS. MCENROE: Objection to
12 form.

13 THE WITNESS: I never saw a
14 report.

15 BY MR. REIL:

16 Q. Well, did you ever speak
17 with Ms. Cover or any other employee of
18 your organization and say, well, what's
19 happening with the investigation of Dr.
20 Tulp?

21 A. I don't remember having a
22 direct conversation about that.

23 Q. Well, how about what you
24 know?

1 MS. MCENROE: Objection to
2 form.

3 THE WITNESS: I believe that
4 somebody visited the campus and
5 saw that there was -- there was --
6 they were building a building or
7 buildings. But I don't know
8 anything more than that.

9 BY MR. REIL:

10 Q. And did you see any -- did
11 you see any pictures?

12 A. No.

13 Q. Did you see any deeds for
14 property?

15 A. No.

16 MS. MCENROE: Objection to
17 form.

18 THE WITNESS: No.

19 BY MR. REIL:

20 Q. By the way, in any of its
21 documents or bulletins, does the
22 organization define the term campus?

23 MS. MCENROE: Objection to
24 form.

1 BY MR. REIL:

2 Q. As far as you know?

3 A. I'm not sure.

4 Q. Does the organization have a
5 file on Dr. Tulp?

6 A. I'm not sure what you mean
7 by a file.

8 Q. Repository where
9 investigative reports, things pertinent
10 to the investigation would be kept?

11 A. I assume that records are
12 collated in reference to USAT.

13 Q. And where would that
14 information be?

15 A. It would be within the
16 Operations Group.

17 Q. Within the Operations Group.

18 And Ms. Cover is the head of
19 the Operations Group?

20 A. Yes.

21 Q. And is it fair to say she's
22 also your second in command?

23 MS. MCENROE: Objection to
24 form.

1 THE WITNESS: No.

2 MR. REIL: No. Okay.

3 BY MR. REIL:

4 Q. Who is the second in command
5 underneath you?

6 A. Mr. Donohue. Dennis
7 Donohue.

8 Q. Perhaps we can save some
9 time, if you could enlighten me, starting
10 with yourself at the top of the pyramid
11 and give me a little idea of how the
12 chain of command works at the
13 organization?

14 MS. MCENROE: Objection to
15 form.

16 THE WITNESS: So my direct
17 reports are Mr. Donohue. Mr.
18 Donohue has his direct reports
19 that include Ms. Cover, the Head
20 of HR, CFO, project management
21 person. I believe that's his
22 direct reports.

23 My other direct reports are
24 general counsel, the Director and

1 Secretary of the Board and the
2 President of FAIMER. Capital F,
3 A-I-M-E-R. All capitalized.

4 BY MR. REIL:

5 Q. Would you explain to me what
6 FAIMER is?

7 A. It's the Foundation For the
8 Advancement of International Medical
9 Education and Research. It's a separate
10 501 (c3) but basically a subsidiary 501
11 (c3) and they're involved in
12 international medical education.
13 Basically, to improve medical education
14 by mentoring and training medical
15 educators around the world.

16 Q. To your knowledge, did
17 anyone from the organization ever visit
18 USAT in Montserrat?

19 MS. MCENROE: Objection to
20 form.

21 THE WITNESS: Not that I
22 know.

23 BY MR. REIL:

24 Q. Why not?

1 A. I don't know how to answer
2 that question.

3 Q. Well, as president of USAT,
4 what was the relationship -- and we're
5 talking about 15 years, I believe the
6 university started around 2003.

7 Let me rephrase that
8 question.

9 What was the relationship
10 between the organization and Dr. Tulp?

11 MS. MCENROE: Objection to
12 form.

13 THE WITNESS: Well, I can't
14 speak prior to two-and-a-half
15 years ago. I'm not sure there was
16 any relationship at all.

17 BY MR. REIL:

18 Q. And two years ago you
19 received the -- you heard of a
20 conversation -- the organization heard of
21 a conversation or communication from a
22 parent that there were campuses in the
23 United States. Do I have that right?

24 MS. MCENROE: Objection to

1 form.

2 THE WITNESS: Yes.

3 BY MR. REIL:

4 Q. Are you aware if anyone from
5 the organization was able to attend a
6 lecture at any one of these campuses?

7 MS. MCENROE: Objection to
8 form.

9 THE WITNESS: No.

10 BY MR. REIL:

11 Q. And where were these
12 campuses allegedly located?

13 A. I'm not sure of all the
14 locations. Florida, Texas, Colorado were
15 mentioned.

16 Q. Was anyone from the
17 organization able to go down to Florida
18 and see a building that said USAT on it?

19 MS. MCENROE: Objection to
20 form.

21 THE WITNESS: What I am
22 aware of is that individuals from
23 the organization saw a YouTube
24 presentation by Dr. Tulp

1 describing the opportunity to
2 attend a campus in Florida. And I
3 have an understanding that many of
4 these activities occurred at
5 hotels.

6 BY MR. REIL:

7 Q. Did anyone actually see a
8 building in Florida or anywhere else in
9 the United States that said USAT on it?

10 MS. MCENROE: Objection to
11 form.

12 THE WITNESS: No. I don't
13 know.

14 BY MR. REIL:

15 Q. So there was more than --
16 was more than one person assigned to go
17 down to Florida to check out if there
18 were campuses?

19 MS. MCENROE: Objection to
20 form.

21 THE WITNESS: I never said
22 anybody was assigned to go to
23 Florida.

24 BY MR. REIL:

1 Q. Okay. Fair qualification.
2 Did anyone ever go to
3 Florida to physically check out if there
4 was --

5 MS. MCENROE: -- objection
6 to form. Asked and answered
7 repeatedly.

8 MR. REIL: Okay.

9 BY MR. REIL:

10 Q. You may answer.

11 A. I'm not aware.

12 Q. And why don't you tell me,
13 to your knowledge, what efforts were made
14 by the organization to determine if USAT
15 had a campus, had any campuses in the
16 United States?

17 MS. MCENROE: Objection to
18 form.

19 THE WITNESS: So I don't
20 know all the details, but what I'm
21 aware of, are that efforts were
22 made through, as I mentioned
23 before, looking through YouTube
24 and finding video presentations

1 that talked about the campuses.
2 There may have been other social
3 media, you know, inspections as
4 well. And affidavits were
5 requested from students asking
6 them where they attended classes.

7 BY MR. REIL:

8 Q. Okay. Did you authorize
9 those affidavits that we're talking
10 about?

11 A. It wouldn't be my job --

12 MS. MCENROE: --
13 objection to form.

14 THE WITNESS: It wouldn't be
15 my job to do that.

16 BY MR. REIL:

17 Q. Well, since we're talking
18 about -- since we're talking about
19 affidavits, maybe I want to look at what
20 I've designated as Pinsky-1 for the
21 purposes of this deposition.

22 And I'll represent on the
23 record, that this is the same material
24 which I presented at the Injunction

1 Hearing before Judge Beetlestone, I think
2 was a couple Thursdays ago.

3 MS. MCENROE: And for the
4 record, it's a compilation of
5 documents with an index appended
6 to the front.

7 MR. REIL: Correct.

8 BY MR. REIL:

9 Q. Okay. I'm looking for the
10 affidavit. Do you see the first page
11 where it has sort of like an index?
12 Maybe we should go to page 10. Take a
13 look at page 10.

14 A. (Witness complies.)

15 Q. Page 10 says at the top,
16 it's a blank affidavit. It says, ECFMG
17 at the top. And it says, Affidavit
18 Attesting to Medical School Attendance.

19 Have you seen that before?

20 A. No.

21 Q. Haven't seen it before.

22 Okay.

23 Well, you spoke about an
24 affidavit in your testimony. Is it that

1 you were aware that there were affidavits
2 being used but you didn't actually see
3 them or am I missing what you're saying?

4 A. Yes, that's what I said.

5 Q. So you don't have any
6 personal knowledge as to how this
7 affidavit was used by the organization?

8 MS. MCENROE: Objection to
9 form.

10 THE WITNESS: I just know
11 that they were sent to the
12 students.

13 BY MR. REIL:

14 Q. Who sent them?

15 A. The Operations Group.

16 Q. And that would be the one
17 that Mr. Cover heads?

18 A. Yes.

19 Q. Did you see any of the
20 affidavits that came back?

21 A. No.

22 Q. I want to direct your
23 attention to page 11 -- oh, before I do
24 that, let's stay with page 10.

1 This affidavit would be
2 directed, I think we said to students of
3 USAT?

4 MS. MCENROE: Objection to
5 form.

6 THE WITNESS: That's what I
7 understand.

8 BY MR. REIL:

9 Q. I see. If you go about
10 two-thirds of the way down the document
11 on page 10, there's a part there
12 requesting documentation possibly
13 passport, airline tickets, so forth and
14 so on.

15 Do you see that?

16 A. Yes.

17 Q. So this is an affidavit
18 which also requests documents?

19 MS. MCENROE: Objection to
20 form.

21 THE WITNESS: Is that a
22 question?

23 BY MR. REIL:

24 Q. Yes.

1 A. I believe that's what it
2 says.

3 Q. At the hearing of Dr. Tulp
4 back on November 28th, right, do you
5 recall that Dr. Tulp, through his
6 attorneys, were furnished with some of
7 these affidavits?

8 MS. MCENROE: Objection to
9 form.

10 BY MR. REIL:

11 Q. If you know?

12 A. I don't remember.

13 Q. Why don't we take a look at
14 page 11. On page 11, let me read this
15 into the record.

16 Almost the next to the last
17 paragraph before the bottom it says:
18 ECFMG reserves the right.

19 Do you see that?

20 A. Yes.

21 Q. ECFMG reserves the right to
22 bring allegations of irregular behavior
23 against you, in accordance with its
24 policies and procedures, should ECFMG

1 obtain information that indicates that
2 you have engaged in irregular behavior
3 with respect to any documentation
4 submitted as part of the process.

5 Well, the you would refer to
6 the students of USAT; right?

7 MS. MCENROE: Objection to
8 form.

9 THE WITNESS: I believe so.

10 BY MR. REIL:

11 Q. Is this -- is what I just
12 read, telling the students that they can
13 be charged with irregular behavior if
14 they haven't filled out this document
15 correctly?

16 MS. MCENROE: Objection to
17 form. The document speaks for
18 itself. You may answer.

19 THE WITNESS: I believe the
20 document speaks for itself.

21 BY MR. REIL:

22 Q. Okay. And does the document
23 say that students can be charged with
24 irregular behavior?

1 MS. MCENROE: Objection to
2 form.

3 THE WITNESS: Same answer.
4 I believe the document speaks for
5 itself.

6 It states that ECFMG
7 reserves -- I'm quoting. "ECFMG
8 reserves the right to bring
9 allegations of irregular
10 behavior."

11 BY MR. REIL:

12 Q. What's irregular behavior?

13 A. It's a term that is used for
14 actions that are not in accordance with
15 the policy of ECFMG.

16 Q. And who would it apply to
17 generally? I mean, I couldn't be -- I'm
18 not a medical person, I couldn't be found
19 guilty of irregular behavior, maybe I
20 could. Could you give me an idea who
21 it's directed to?

22 MS. MCENROE: Objection to
23 form.

24 THE WITNESS: It's directed

1 to individuals who are involved in
2 the process of applications for
3 ECFMG certification.

4 BY MR. REIL:

5 Q. I see. Is that -- I
6 wouldn't want -- I didn't expect you to
7 have an exact quote. But is what you
8 say, is that stated in some sort of
9 document the ECFMG has?

10 A. Probably. It's probably on
11 a policy statement somewhere.

12 Q. Where are the policy
13 statements kept?

14 MS. MCENROE: Objection to
15 form.

16 THE WITNESS: In the offices
17 at 36th and Market.

18 BY MR. REIL:

19 Q. Is there a book or something
20 like that that has a -- that has the
21 various policy statements from ECFMG?

22 A. I'm sure there's a
23 depository, maybe electronic, but I'm
24 sure there's a depository.

1 Q. I'm curious, does the
2 organization, I like your word, does the
3 organization have a charter?

4 A. What do you mean by charter?

5 Q. Well, some document when it
6 came into being that explains its form
7 and function and where it gets its power
8 I guess?

9 A. I think, I'm assuming
10 there's a document from 60 plus years ago
11 when ECFMG was formed at the request of
12 several organizations, and we have our
13 mission statement that's available.

14 Q. The mission statement was
15 composed by the organization; correct?

16 A. Yes.

17 Q. Are there any outside
18 documents that -- by outside, I mean
19 outside the organization, that deal with
20 the powers of the organization?

21 MS. MCENROE: Objection to
22 form.

23 THE WITNESS: I don't know.

24 BY MR. REIL:

1 Q. Now, if ECFMG, and I'm
2 asking you hypothetically because you're
3 the head of the organization, if ECFMG
4 finds a person culpable of irregular
5 behavior, what does that mean in terms of
6 what does that sanction mean if you're
7 found culpable of irregular behavior?

8 MS. MCENROE: Objection to
9 form.

10 THE WITNESS: So there's not
11 a single answer to that because
12 there's different types of
13 irregular behavior.

14 BY MR. REIL:

15 Q. Okay.

16 A. So an individual who is
17 found of irregular behavior has a
18 notation of that put into their file.
19 And then there are different sanctions
20 that could occur depending on the type of
21 irregular behavior.

22 Q. Well, are there, somewhere
23 specified in writing, the different types
24 of irregular behavior?

1 MS. MCENROE: Objection to
2 form.

3 THE WITNESS: No. Irregular
4 behavior is just irregular
5 behavior. Then it's what -- what
6 the individual did to be found to
7 have irregular behavior and the
8 sanctions are determined; if there
9 are any sanctions, there's not
10 always sanctions. If there are
11 any sanctions to be found.

12 BY MR. REIL:

13 Q. Is it a fair statement that
14 irregular behavior could be applied to an
15 individual who runs afoul of the policies
16 of the organization?

17 MS. MCENROE: Objection to
18 form.

19 THE WITNESS: I believe
20 that's what I said before.

21 BY MR. REIL:

22 Q. Can persons, other than
23 foreign medical students, be found
24 culpable of irregular behavior?

1 MS. MCENROE: Objection to
2 form.

3 THE WITNESS: Medical school
4 officials can be.

5 BY MR. REIL:

6 Q. Medical school officials can
7 be.

8 And where does the
9 organization get that authority to find
10 medical school officials potentially
11 guilty of irregular behavior?

12 MS. MCENROE: Objection to
13 form.

14 BY MR. REIL:

15 Q. Is it -- where does that
16 come from?

17 MS. MCENROE: Objection to
18 form.

19 THE WITNESS: Again, it has
20 to do with accuracy and legitimacy
21 of documents that are provided to
22 ECFMG.

23 BY MR. REIL:

24 Q. Can you comment for me on

1 the relationship between the organization
2 and the State Medical Boards, how does
3 that work? I'm a lay person.

4 MS. MCENROE: Objection to
5 form.

6 THE WITNESS: We have no
7 direct relationship with any of
8 the State Medical Boards. The
9 State Medical Boards develop
10 policy and regulations that
11 usually are through legislation;
12 and ECFMG is recognized by the
13 State Boards to be the agency that
14 verifies documents, primary source
15 verification.

16 BY MR. REIL:

17 Q. Is it fair to say that if
18 ECFMG does not certify a foreign medical
19 student or foreign medical graduate, that
20 they can't practice medicine in the
21 United States?

22 MS. MCENROE: Objection to
23 form.

24 THE WITNESS: No, that's not

1 true.

2 BY MR. REIL:

3 Q. What is true?

4 A. State board can make an
5 independent decision on their own.

6 Q. So there's an appeal process
7 to the State board?

8 MS. MCENROE: Objection to
9 form.

10 THE WITNESS: I don't
11 understand the question.

12 BY MR. REIL:

13 Q. Well, you -- I asked you
14 about ECFMG and a foreign medical student
15 and I think you said the State board,
16 right --

17 MR. REIL: Could you read
18 that response back? The question
19 and the answer.

20 (At this time, the court
21 reporter read back from the record
22 as requested.)

23 BY MR. REIL:

24 Q. And I'm asking you to expand

1 on that answer. What is the mechanism by
2 which that occurs?

3 MS. MCENROE: Objection to
4 form.

5 THE WITNESS: So those are
6 State board policies that I can't
7 give you details on. I do know
8 that a State board can make an
9 exception when they wish to.

10 BY MR. REIL:

11 Q. So the -- so I think what
12 you're saying is, the State board could
13 somehow examine a decision by ECFMG and
14 decide if they are going to override it
15 or not?

16 MS. MCENROE: Objection to
17 form.

18 THE WITNESS: I believe so.

19 BY MR. REIL:

20 Q. Does that happen very often,
21 if you know?

22 MS. MCENROE: Objection to
23 form.

24 THE WITNESS: I would guess

1 not.

2 BY MR. REIL:

3 Q. When is the last time you
4 remember that happening?

5 A. I can't remember.

6 Q. Well, let's put it this way:
7 If a foreign medical student or graduate
8 does not obtain, I think certification by
9 ECFMG, it would be as a practical matter,
10 it would be difficult for that person to
11 practice medicine in the United States?

12 A. Yes.

13 MS. MCENROE: Objection to
14 form.

15 THE WITNESS: Yes.

16 BY MR. REIL:

17 Q. You were at the hearing of
18 Dr. Tulp on November 28, 2018. I think
19 we already established that; right?

20 A. Correct.

21 Q. Did any witnesses testify at
22 that hearing?

23 MS. MCENROE: Objection to
24 form.

1 THE WITNESS: Dr. Tulp was
2 invited to be a witness.

3 BY MR. REIL:

4 Q. But I'm talking actually at
5 the hearing, did any witnesses testify at
6 the hearing?

7 A. Dr. Tulp was invited to be a
8 witness and testify at the hearing.

9 Q. Did he testify?

10 A. No.

11 Q. Did any witnesses testify?

12 A. His attorney did.

13 Q. Well, his attorney wasn't a
14 witness; right?

15 MS. MCENROE: Objection to
16 form.

17 MR. REIL: I won't quibble
18 over that.

19 BY MR. REIL:

20 Q. Were any -- were any
21 documents introduced at that hearing?

22 MS. MCENROE: Objection to
23 form.

24 THE WITNESS: Documents were

1 sent to Dr. Tulp and his
2 representation prior to the
3 hearing.

4 BY MR. REIL:

5 Q. Were any of those documents
6 introduced at the hearing?

7 MS. MCENROE: Objection to
8 form.

9 BY MR. REIL:

10 Q. That you recall.

11 A. What does introduce mean?

12 Q. Put into evidence, you know,
13 this paper was put into evidence like
14 we're doing here.

15 MS. MCENROE: Objection to
16 form.

17 THE WITNESS: That's not the
18 format for that committee.

19 BY MR. REIL:

20 Q. What is the format?

21 A. The documents are
22 distributed prior to the hearing and then
23 the hearing is to answer any questions
24 relative to them.

1 Q. I see. So the -- how
2 many -- was the full board, maybe 16 or
3 17, doctors there at the hearing?

4 MS. MCENROE: Objection to
5 form.

6 THE WITNESS: No.

7 BY MR. REIL:

8 Q. How many were there roughly?

9 A. It was the Medical Education
10 Credentials Committee Membership, which
11 is made up of people from the board.

12 Q. All doctors?

13 A. I don't think so. I'm just
14 trying to remember. I think we -- I
15 think -- I don't have a list of the
16 committee in front of me.

17 Q. Mostly doctors?

18 A. Mostly doctors.

19 Q. Let's leave it at that.

20 A. We have nonphysicians on the
21 board, I just can't remember.

22 Q. Are there any attorneys on
23 the board?

24 A. Yes.

1 Q. There are?

2 A. Yes.

3 Q. Okay. Now, was Dr. Tulp
4 allowed to bring witnesses to present at
5 that hearing?

6 MS. MCENROE: Objection to
7 form.

8 THE WITNESS: I don't
9 recall.

10 BY MR. REIL:

11 Q. Well, would there be
12 somewhere in the rules and regulation of
13 the organization that would describe what
14 you're allowed to do at the hearing?

15 MS. MCENROE: Objection to
16 form.

17 THE WITNESS: I don't know.
18 I think there probably was in the
19 communications to Dr. Tulp about
20 the opportunity to appear at the
21 hearing.

22 BY MR. REIL:

23 Q. Do you know if there's
24 anything about the opportunity to bring

1 witnesses?

2 MS. MCENROE: Objection to
3 form.

4 THE WITNESS: I don't
5 remember.

6 BY MR. REIL:

7 Q. Did the board present any
8 witnesses at Dr. Tulp's hearing?

9 MS. MCENROE: Objection to
10 form.

11 THE WITNESS: No.

12 BY MR. REIL:

13 Q. What did the board present
14 at Dr. Tulp's hearing?

15 MS. MCENROE: Objection to
16 form.

17 THE WITNESS: The board
18 received the same documents that
19 had been sent to Dr. Tulp and his
20 attorneys. The board had that
21 material and they reviewed that
22 prior to coming to the committee
23 meeting.

24 BY MR. REIL:

1 Q. So that -- I think black
2 binder that we got.

3 A. Yes.

4 Q. The board received that
5 prior to the meeting?

6 A. Yes.

7 Q. Hearing?

8 A. Yes. The committee did.

9 Q. Okay. And for what purpose?
10 MS. MCENROE: Objection to
11 form.

12 THE WITNESS: To be informed
13 about the work that was going to
14 go on during the committee meeting
15 that day.

16 BY MR. REIL:

17 Q. Was that black binder ever
18 submitted into evidence, if you know?

19 MS. MCENROE: Objection to
20 form.

21 BY MR. REIL:

22 Q. Do you know what that means?

23 MS. MCENROE: Objection to
24 form.

1 THE WITNESS: That's not the
2 format of the committee.

3 BY MR. REIL:

4 Q. What is the format?

5 A. It's not a committee where
6 things are submitted as evidence.

7 Q. So it's basically a
8 proceeding where Dr. Tulp has an
9 opportunity to make a statement on his
10 behalf; is that a fair statement?

11 MS. MCENROE: Objection to
12 form.

13 THE WITNESS: Yes.

14 BY MR. REIL:

15 Q. Now, is there any
16 procedure -- I'm sure you've been to a
17 lot of the these hearings; is that a fair
18 statement?

19 MS. MCENROE: Objection to
20 form.

21 THE WITNESS: Well, in the
22 two-and-a-half years I've been to
23 several.

24 BY MR. REIL:

1 Q. Okay. That's good enough
2 for me.

3 Is there -- and there's --
4 there was a black binder that I remember
5 that had a lot of material in it; right?

6 A. Yes.

7 Q. Who gathered that material?

8 A. The operations people.

9 Q. Was Dr. Tulp, through his
10 attorneys, given any ability to object to
11 any of that material in the binder?

12 MS. MCENROE: Objection to
13 form.

14 THE WITNESS: The purpose of
15 the hearing was for them to be
16 able to raise questions -- or
17 answer questions or raise
18 questions in terms of anything
19 that they wanted to talk about.

20 BY MR. REIL:

21 Q. Well, let's put it this way:
22 Did Dr. Tulp have any input as to what
23 material went into that binder?

24 MS. MCENROE: Objection to

1 form.

2 THE WITNESS: This was the
3 material that had been accrued,
4 you know, through working through
5 this by ECFMG.

6 BY MR. REIL:

7 Q. Working through -- I didn't
8 hear that part.

9 A. Working through this --
10 working through the issues.

11 Q. It was accrued by the
12 organization?

13 A. Yes.

14 Q. Was there a section of the
15 binder that contained material that was
16 submitted by Dr. Tulp or his attorneys?

17 MS. MCENROE: Objection to
18 form.

19 BY MR. REIL:

20 Q. You can answer.

21 A. I'm guessing there might
22 have been some correspondence that was in
23 there, that had been submitted to Dr.
24 Tulp or his attorneys.

1 Q. Well, we don't want you to
2 guess. Let's take a look at -- I may
3 have covered this already.

4 Did we establish that part
5 of your job as the President and the CEO,
6 is to carry out the policies of the
7 organization?

8 MS. MCENROE: Objection to
9 form.

10 THE WITNESS: Yes, it is.

11 BY MR. REIL:

12 Q. Let's take a look at the
13 letter that you sent out to Dr. Tulp
14 after the hearing. I believe in
15 Pinsky-1, that's page 2 actually. Let me
16 know when you have that.

17 A. Yes.

18 Q. Why don't you just take a
19 moment to look it over and then I have
20 some questions.

21 A. (Witness complies.) Okay.

22 Q. Would you describe for the
23 record, if this is a letter from you to
24 Dr. Tulp, dated December 14, 2018, would

1 you identify this for the record? In
2 other words, explain what it is.

3 MS. MCENROE: Objection to
4 form.

5 THE WITNESS: This is a
6 letter that summarizes the
7 Credential Committee review of the
8 allegations. And in some brief
9 way, a listing of what the process
10 was in terms of providing
11 documents to Dr. Tulp and his
12 attorneys. And then the
13 consideration of the committee
14 following the review of the
15 documentation and the appearance
16 at the committee.

17 BY MR. REIL:

18 Q. A few questions about that
19 letter.

20 By the way, were you a
21 member of the Credentials Committee?

22 A. Yes.

23 Q. Were you the head of the
24 Credentials Committee?

1 A. No.

2 Q. Who was?

3 A. Dr. Gusic.

4 COURT REPORTER: Gusic?

5 THE WITNESS: I'm sorry.

6 G-U-S-I-C.

7 COURT REPORTER: Thank you.

8 BY MR. REIL:

9 Q. And does Dr. Gusic work at
10 36th and Market?

11 A. No.

12 Q. Let's take a look at that
13 letter on page 2 from December 14, 2018.

14 In the first sentence there
15 you say that the Credentials Committee
16 has completed its review.

17 Do you see that?

18 A. Yes.

19 Q. What did it review?

20 MS. MCENROE: Objection to
21 form.

22 THE WITNESS: It reviewed
23 the documentation. It
24 participated in -- the committee

1 participated in the appearance
2 before the committee and then
3 discussion afterwards.

4 BY MR. REIL:

5 Q. Is it fair to say that since
6 no witnesses testified at the hearing and
7 Dr. Tulp didn't make a statement, the
8 review that we're talking about
9 essentially were the documents that were
10 in that black book?

11 MS. MCENROE: Objection to
12 form.

13 THE WITNESS: Because Dr.
14 Tulp did not make a statement,
15 even though he was asked to, it
16 was primarily the documentation
17 that were in the book.

18 BY MR. REIL:

19 Q. Was it ever explained as far
20 as you're aware, whether Dr. Tulp --
21 whether the organization had to prove its
22 case against Dr. Tulp or Dr. Tulp had to
23 prove his case? Did you ever get into
24 that?

1 MS. MCENROE: Objection to
2 form.

3 THE WITNESS: You know it's
4 not a trial situation.

5 BY MR. REIL:

6 Q. I see.

7 A. It's a situation of
8 reviewing all information.

9 Q. Well, the ECFMG brought
10 charges, if you will, against Dr. Tulp
11 and you were on the Credentials
12 Committee, was there any discussion of
13 what's called the burden of proof?

14 MS. MCENROE: Objection to
15 form. Asked and answered.

16 THE WITNESS: Again, it's
17 not a trial so that terminology is
18 not used.

19 BY MR. REIL:

20 Q. Is that defined anywhere in
21 the ECFMG bulletins or documents as to
22 who has the burden of proof in one of
23 these hearings?

24 MS. MCENROE: Objection to

1 form.

2 THE WITNESS: I don't think
3 the terminology burden of proof is
4 used.

5 MS. MCENROE: Counsel, we've
6 been going for about an hour. If
7 there's a good time to take a
8 break, let us know.

9 MR. REIL: I would say --
10 let's go off the record.

11 (At this time, a discussion
12 was held off the record.)

13 BY MR. REIL:

14 Q. Now, if you go down to line
15 three or four of the letter. It says --
16 the letter that we're talking about on
17 December 14th.

18 It says: Specifically, you
19 provided -- you I think referring to Dr.
20 Tulp -- false information to ECFMG when
21 you (1) notified ECFMG that USAT does not
22 operate a branch campus in Miami,
23 Florida; right?

24 Are you aware of what that

1 alleged false information was?

2 A. I believe the false
3 information is that USAT holds itself to
4 be a medical school located in
5 Montserrat.

6 Q. And then if you go down
7 further it says:

8 In the first paragraph, it
9 talks about, it says: ECFMG has
10 information that these students were not
11 attending USAT during the time periods to
12 which you certified.

13 What's that in reference to,
14 No. 2 there?

15 A. I believe that is in
16 reference to the dates of students
17 matriculation at USAT.

18 Q. How was that information
19 obtained?

20 A. I believe that's from the
21 affidavits.

22 Q. To your knowledge, was any
23 other source for the information other
24 than the affidavits used?

1 MS. MCENROE: Objection to
2 form.

3 THE WITNESS: I don't know.

4 BY MR. REIL:

5 Q. Did Dr. Tulp have an
6 opportunity to challenge the accuracy of
7 any of these affidavits which were in the
8 black book at the hearing?

9 MS. MCENROE: Objection to
10 form.

11 THE WITNESS: Yes.

12 BY MR. REIL:

13 Q. Yes. Okay.

14 Well, was he supplied those
15 affidavits prior to the hearing?

16 A. I don't know.

17 Q. Isn't it true that many of
18 the affidavits, the information about the
19 individuals was redacted?

20 A. I don't know that.

21 Q. Under your procedures was
22 Dr. Tulp allowed to bring any of these
23 individuals who filled out affidavits to
24 the hearing on November 28th?

1 MS. MCENROE: Objection to
2 form.

3 THE WITNESS: I'm not sure
4 about that.

5 BY MR. REIL:

6 Q. Now, if you look, I think
7 it's the next to the last paragraph, the
8 one that starts, ECFMG Committee.

9 Do you see that one?

10 A. The next to last paragraph
11 on the first page?

12 Q. On the first page, on page
13 2.

14 A. Yes.

15 Q. The last sentence there I
16 have a question about that.

17 It says: Your ECFMG Medical
18 School Web Portal, and then in
19 parenthesis it has, EMSWP, account will
20 remain deactivated.

21 Can you explain what that
22 means, Doctor?

23 A. Yes. I believe that's the
24 electronic interface between the school

1 and ECFMG.

2 Q. And it says, remains
3 deactivated, so -- well, strike that.

4 What's the purpose of this,
5 of deactivating this portal?

6 MS. MCENROE: Objection to
7 form.

8 THE WITNESS: The purpose of
9 deactivating it?

10 BY MR. REIL:

11 Q. Yes. I think it was, will
12 remain deactivated.

13 What's the idea behind
14 deactivating it?

15 A. Because of the finding of
16 irregular behavior.

17 Q. And it says: Will remain
18 deactivated.

19 It was deactivated before
20 the hearing, wasn't it?

21 MS. MCENROE: Objection to
22 form.

23 THE WITNESS: I believe so
24 but I don't remember that exactly,

1 but I believe so.

2 BY MR. REIL:

3 Q. And who made the decision to
4 deactivate the web portal prior to the
5 hearing?

6 A. If it was, it would have
7 been from Operations.

8 Q. And who in Operations, if
9 you know, would have made that decision?

10 A. I think it could have been,
11 you know, one of a couple different
12 senior people within Operations.

13 Q. For instance?

14 MS. MCENROE: Objection to
15 form.

16 THE WITNESS: Ms. Corrado,
17 Ms. Cover.

18 BY MR. REIL:

19 Q. To your knowledge, was there
20 a particular person who was leading the
21 investigation into Dr. Tulp and USAT?

22 A. Not to my knowledge.

23 Q. Well, besides Ms. Corrado
24 and Ms. Cover, who else was prominent in

1 the investigation?

2 MS. MCENROE: Objection to
3 form.

4 THE WITNESS: I really don't
5 know at that level. There are
6 other people, you know, at a
7 variety of different levels in
8 that department.

9 BY MR. REIL:

10 Q. Would you receive reports at
11 regular intervals about the investigation
12 into Dr. Tulp and USAT?

13 A. I didn't receive reports.
14 We had conversations with counsel prior
15 to the hearing.

16 Q. And I don't want anything
17 you told counsel.

18 Let's take a look at page 3
19 if we might.

20 At the top of page 3 it
21 says: In 2018, and there's one sentence
22 there, I'd ask that you read that into
23 the record?

24 A. The one that starts, in

1 2018?

2 Q. Yes. In 2018, just that one
3 sentence.

4 A. In 2018, ECFMG determined
5 that a certain official of the University
6 of Science Arts & Technology engaged in
7 irregular behavior in connection with
8 providing false information to ECFMG.

9 Q. That certain official, was
10 Dr. Orien Tulp; correct?

11 A. Yes.

12 Q. And was this -- was what you
13 just read, was that placed on the WDOMS?

14 MS. MCENROE: Objection to
15 form.

16 THE WITNESS: Yes. It's
17 what the prior sentence says at
18 the bottom of page 2.

19 BY MR. REIL:

20 Q. Can you explain for the
21 record what the WDOMS is?

22 A. So it's WDMS, the World
23 Directory of Medical Schools, is a
24 directory that we co-sponsor that, to the

1 best of our knowledge, lists all
2 operating medical schools in the world.

3 Q. And what's the, you know, in
4 general, I know your organization doesn't
5 own the WDMS. In general, can you, as an
6 insider in the field, describe the
7 audience for the WDMS?

8 MS. MCENROE: Objection to
9 form.

10 THE WITNESS: So the
11 audience is varied. It can be
12 anywhere from individuals who are
13 interested in going to medical
14 school, individuals who are in
15 medical school. It can be
16 individuals that have
17 responsibility for post-graduate
18 training. It can be individuals
19 who were being recruited to a job
20 that might look at that.

21 BY MR. REIL:

22 Q. Now, that sentence that you
23 just read, I think you said it was posted
24 on the WDMS, the web, the internet,

1 right; am I right about that?

2 A. In the World Directory.

3 Q. Was it placed there before
4 the November 28th hearing?

5 A. I don't know. But I believe
6 probably not.

7 Q. Who would know?

8 A. Operations people.

9 Q. And why do you say probably
10 not?

11 A. I assume it was waiting for
12 the outcome of the hearing.

13 Q. Because it discusses
14 irregular behavior. So you would assume
15 it would -- strike that.

16 Well, let me ask you this
17 question: That last sentence that you
18 read, should it have been placed by the
19 organization on the WDMS prior to the
20 hearing?

21 MS. MCENROE: Objection to
22 form.

23 THE WITNESS: I assume so.

24 BY MR. REIL:

1 Q. Can you explain what you
2 mean when you say I assume so?

3 A. I assume that could be the
4 way we would do it.

5 Q. That it should not be placed
6 on the WDMS prior to the hearing? I want
7 to make sure I understand what you're
8 saying.

9 A. That that would be placed
10 after the committee has reviewed and made
11 a determination of irregular behavior.

12 Q. Why not before?

13 MS. MCENROE: Objection to
14 form.

15 BY MR. REIL:

16 Q. You can answer.

17 A. I think the hearing is a
18 step that gives Dr. Tulp the opportunity
19 to comment on the findings.

20 Q. Within your organization,
21 who would be the person who would likely
22 know when that was placed, that sentence
23 we just talked about, when that was
24 placed on the WDMS?

1 MS. MCENROE: Objection to
2 form.

3 THE WITNESS: I think you
4 asked that before, but that's the
5 Operations Group.

6 BY MR. REIL:

7 Q. In your opinion, is it
8 likely that Ms. Cover would know or could
9 find out when that was placed?

10 MS. MCENROE: Objection to
11 form.

12 THE WITNESS: Yes.

13 BY MR. REIL:

14 Q. Now, at the end, the last
15 paragraph, it says: As noted in the
16 enclosed ECFMG Rules of Appellate
17 Procedure.

18 Do you see that?

19 A. Yes.

20 Q. ECFMG has written Rules of
21 Appellate Procedure; right?

22 A. Yes.

23 Q. Does the ECFMG have written
24 rules about procedure at a hearing?

1 MS. MCENROE: Objection to
2 form.

3 THE WITNESS: I assume so.

4 BY MR. REIL:

5 Q. And where would they be?

6 A. They would be at the 36th
7 and Market office.

8 Q. And who would have access to
9 it? Would you be able to get them or
10 would it be somebody else?

11 A. It would be more efficient
12 to have the Operations Group.

13 Q. And again, that would be Ms.
14 Cover?

15 A. Yes.

16 MR. REIL: Can we -- I just
17 want to talk to my client briefly.

18 MS. MCENROE: Sure. Let's
19 take a break and go off the
20 record.

21 (At this time, a short break
22 was taken.)

23 BY MR. REIL:

24 Q. Dr. Pinsky, that letter of

1 December 14th of this year, a two-page
2 letter beginning on page 2 and ended on
3 page 3.

4 A. Of 2018?

5 Q. 2018, not this year. Thank
6 you. I stand corrected.

7 It's signed by you?

8 A. Yes.

9 Q. Did you draft it?

10 A. No.

11 Q. Who did draft it?

12 A. The Operations Group.

13 Q. When you say the Operations
14 Group, who presented it to you? Did you
15 have some sort of discussion with
16 somebody about the particulars before you
17 signed it?

18 A. The discussion on the
19 particulars occurred at the committee and
20 so this is the outcome of the committee
21 discussion.

22 Q. Did Ms. Cover ever present
23 this letter to you for your review?

24 A. In draft form, is that what

1 you're asking?

2 Q. Yes. In draft form.

3 A. I don't recall.

4 Q. But if I understand
5 correctly, you didn't actually draft the
6 letter?

7 A. Correct.

8 Q. Before you signed it, what
9 efforts did you make to ensure that the
10 letter was accurate?

11 MS. MCENROE: Objection to
12 form.

13 THE WITNESS: I read the
14 letter, and to assure myself that
15 it accurately reflected the
16 discussion and the outcome of the
17 committee meeting.

18 BY MR. REIL:

19 Q. Of the committee meeting?

20 A. (Witness nods head.)

21 MS. MCENROE: That was a yes
22 for the record.

23 THE WITNESS: That was a
24 yes. I'm sorry.

1 BY MR. REIL:

2 Q. And did you ever give an
3 address or a presentation regarding
4 Caribbean medical schools?

5 MS. MCENROE: Objection to
6 form.

7 THE WITNESS: No.

8 BY MR. REIL:

9 Q. Did you ever draft a
10 document or a memo concerning Caribbean
11 medical schools?

12 MS. MCENROE: Objection to
13 form.

14 THE WITNESS: Not that I can
15 recall.

16 BY MR. REIL:

17 Q. Now, let me just finish up
18 again by going on page 3 that sentence,
19 in 2018 ECFMG, down to ECFMG. The one
20 sentence you read in italics in your
21 letter.

22 Isn't it a fact that that
23 was placed on the WDMS on or before
24 September 11, 2018?

1 MS. MCENROE: Objection to
2 form.

3 THE WITNESS: I'm very
4 confident it was not.

5 BY MR. REIL:

6 Q. When do you believe that it
7 was placed on the WDMS?

8 A. I believe that the intention
9 is to place this after a determination
10 has been made. I'm not even sure that
11 this particular statement has been placed
12 on it yet.

13 Q. So the -- do you know as a
14 fact when or if this sentence that we're
15 talking about, when it was placed or if
16 it was placed on the WDMS?

17 MS. MCENROE: Objection to
18 form.

19 THE WITNESS: I don't know
20 if it's been placed yet.

21 BY MR. REIL:

22 Q. And you don't know if it was
23 placed before the hearing or you are
24 certain that it was not placed before --

1 well --

2 A. I'm certain it was not
3 placed before. And I'm not certain
4 whether it's been placed yet.

5 Q. Okay. Where is the -- when
6 you communicate with the WDMS, if you
7 know that, where are they located?

8 MS. MCENROE: Objection to
9 form.

10 BY MR. REIL:

11 Q. If you know?

12 A. So I don't communicate
13 directly with them. WDMS is, you know, a
14 partnership, you know, it's among
15 organizations.

16 Q. Do you know where they're
17 located? And I'm interested in terms of
18 contacting them to verify when this was
19 placed.

20 MS. MCENROE: Objection to
21 form.

22 THE WITNESS: I think
23 there's individuals that work on
24 the WDMS that are situated in

1 various cities, including France
2 and Philadelphia.

3 BY MR. REIL:

4 Q. And Philadelphia?

5 A. Right.

6 Q. Do you know where they are
7 in Philadelphia?

8 A. It would be in our building.

9 Q. They are in your building.
10 Okay.

11 And are they under WDMS or
12 are they under another name?

13 A. They are under FAIMER, it's
14 the FAIMER Partnership.

15 THE WITNESS: You have that
16 from before; right?

17 COURT REPORTER: Yes. Thank
18 you.

19 BY MR. REIL:

20 Q. F-A-I-M-E-R?

21 A. Yes.

22 Q. It's one of the few things I
23 do well, spell.

24 And that's in your building?

1 A. Yes.

2 Q. And who is the head person,
3 if you know, at FAIMER Partnership?

4 A. So the President is John
5 Norcini, N-O-R-C-I-N-I.

6 Q. And does he work out of your
7 building?

8 A. Yes.

9 Q. Now, to your knowledge, has
10 any other university president ever been
11 charged with irregular behavior by the
12 ECFMG?

13 MS. MCENROE: Objection to
14 form.

15 THE WITNESS: I know of
16 another senior official, I'm not
17 sure what his title was.

18 BY MR. REIL:

19 Q. How about a university
20 president are you sure, as you sit there,
21 other than Dr. Tulp, does it come to mind
22 that another university president has
23 been charged with irregular behavior?

24 MS. MCENROE: Objection to

1 form.

2 THE WITNESS: I'll say yes
3 but I'm not exactly sure of the
4 individual's title.

5 BY MR. REIL:

6 Q. Who would that individual
7 be?

8 A. The official that was in
9 charge of Atlantic University School of
10 Medicine.

11 Q. And his name is?

12 A. I'm blanking on his name
13 right now.

14 Q. He was in charge?

15 A. Yes.

16 Q. Now -- so there's Dr. Tulp
17 and there's one other official from
18 Atlantic?

19 A. Yes.

20 Q. And they are the only two
21 you can recall in the history of the
22 ECFMG?

23 MS. MCENROE: Objection to
24 form.

1 THE WITNESS: I believe
2 there were two officials at
3 Atlantic University that were
4 charged.

5 BY MR. REIL:

6 Q. Anybody else you can recall?

7 A. No.

8 Q. The ECFMG is not an
9 accrediting agency; correct?

10 MS. MCENROE: Objection to
11 form.

12 THE WITNESS: Correct.

13 BY MR. REIL:

14 Q. And one of the things Dr.
15 Tulp was charged with in connection with
16 the irregular behavior, dealt with having
17 campuses in the United States; right?

18 MS. MCENROE: Objection to
19 form.

20 THE WITNESS: Giving us
21 false information --

22 MR. REIL: False
23 information.

24 THE WITNESS: -- about the

1 campuses.

2 BY MR. REIL:

3 Q. To your recollection, was
4 any other university president ever
5 charged with the same thing?

6 MS. MCENROE: Objection to
7 form.

8 THE WITNESS: Not to my
9 knowledge.

10 BY MR. REIL:

11 Q. Did you ever ask, by you,
12 the ECFMG, did they ever ask for a
13 curriculum from the USAT?

14 MS. MCENROE: Objection to
15 form.

16 THE WITNESS: I don't know.

17 BY MR. REIL:

18 Q. Did you or any of your
19 senior people ever visit the USAT?

20 MS. MCENROE: Objection to
21 form. Asked and answered.

22 THE WITNESS: As I said
23 before, not that I know.

24 BY MR. REIL:

1 Q. And why not?

2 A. As I said before, I'm not
3 sure how to answer that question.

4 Q. Okay. You did say that.
5 I'll withdraw that question.

6 MR. REIL: I think that's
7 all I have. Let me just confer
8 with my superiors here and I think
9 that will be it.

10 (At this time, a discussion
11 was held off the record.)

12 BY MR. REIL:

13 Q. To your knowledge, are there
14 other international schools of medicine,
15 of course, that have campuses in the
16 United States besides the USAT, which is
17 something that you allege?

18 MS. MCENROE: Objection to
19 form.

20 THE WITNESS: Not that I'm
21 aware of yet.

22 BY MR. REIL:

23 Q. So presently, the only one
24 that you're aware of that has campuses in

1 the United States is the USAT?

2 MS. MCENROE: Objection to
3 form.

4 THE WITNESS: From our
5 current knowledge, yes.

6 MR. REIL: That's all I
7 have.

8 MS. MCENROE: No questions
9 from us. Thank you very much.

10 Thank you, Dr. Pinsky.

11 (Deposition concluded at
12 11:50 a.m.)

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C E R T I F I C A T I O N

I, DANA M. JONES, Professional
Court Reporter and Notary Public, certify
that the foregoing is a true and accurate
transcript of the deposition held before
me at the time, place and on the date
hereinbefore set forth.

I further certify that I am
neither attorney nor counsel for, not
related to or employed by, any of the
parties to the action in which this
deposition was taken; further, that I am
not a relative or employee of any
attorney or counsel employed in this
case, nor am I financially interested in
this action.

DANA M. JONES

1 INSTRUCTION TO WITNESS

2
3
4 Please read your deposition over
5 carefully and make any necessary
6 corrections. You should state the reason
7 in the appropriate space on the errata
8 sheet for any corrections that are made.

9 After doing so, please sign the
10 errata sheet and date it.

11 You are signing same subject to the
12 changes you have noted on the errata
13 sheet, which will be attached to your
14 deposition.

15 It is imperative that you return
16 the original errata sheet to the deposing
17 attorney within thirty (30) days of
18 receipt of the deposition transcript by
19 you. If you fail to do so, the
20 deposition transcript may be deemed to be
21 accurate and may be used in court.

1 ACKNOWLEDGEMENT OF DEPONENT

2
3
4 I, WILLIAM W. PINSKY, M.D., do hereby
5 certify that I have read the foregoing pages,
6 and that the same is a correct transcription of
7 the answers given by me to the questions
8 therein propounded, except for the
9 corrections or changes in form or
10 substance, if any, noted in the attached
11 errata sheet.

12
13
14
15 Date _____

16
17
18
19
20 Subscribed and sworn to before me.

21 My commission expires _____.
22
23
24

William W. Pinsky, M.D.

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2	ERRATA SHEET		
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4			
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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DR. ORIEN L. TULP,)	
)	
Plaintiff,)	Case No. 2:18-cv-05540-WB
)	
v.)	Hon. Wendy Beetlestone
)	
EDUCATIONAL COMMISSION FOR)	
FOREIGN MEDICAL GRADUATES and)	
DR. WILLIAM W. PINSKY,)	
)	
Defendants.)	
)	

**DEFENDANTS' FIRST SET OF INTERROGATORIES AND FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS TO DR. ORIEN L. TULP**

Pursuant to Federal Rules of Civil Procedure 26, 33, and 34, Defendants Educational Commission for Foreign Medical Graduates (“ECFMG”) and Dr. William W. Pinsky, by and through their counsel, hereby propound this First Set of Interrogatories and First Set of Requests for Production of Documents on Plaintiff Orien L. Tulp and direct that he respond separately, in writing and under oath, to each of the following interrogatories, and produce and permit the inspection and copying of the documents and/or other tangible things requested herein within thirty (30) days of the date of service to the undersigned counsel.

DEFINITIONS AND INSTRUCTIONS

1. The term “ECFMG” refers to Defendant Educational Commission for Foreign Medical Graduates or any other person or entity acting or purporting to act on its behalf, including any employees, agents, or representatives.

2. The term “Dr. Pinsky” refers to Dr. William W. Pinsky or any other person or entity acting or purporting to act on his behalf, including any employees, agents, or representatives.

3. The terms “you,” “your,” or “Plaintiff” refer to Plaintiff Dr. Orien L. Tulp or any other person or entity acting or purporting to act on behalf of Plaintiff Dr. Orien L. Tulp, including any employees, agents, or representatives of Plaintiff Dr. Orien L. Tulp.

4. The term “USAT” refers to the University of Science, Arts, and Technology or any other person or entity acting or purporting to act on his behalf, including any employees, agents, or representatives.

5. The term “Sponsor Note” refers to ECFMG’s sponsor note in the World Directory of Medical Schools.

6. The term “document” has the same meaning and scope as in Federal Rule of Civil Procedure 34(a), including without limitation, electronic or computerized data compilations. A draft or non-identical copy is a separate document within the meaning of this term.

7. The term “communication” refers to any transmission of information whether face-to-face or by telephone, telecopy, letter, telex, cable, electronic mail, text message, electronic means or other means whereby thoughts, opinions, facts or other matters are transmitted between two or more persons.

8. The term “person” means any individual, association, public or private organization, institution, partnership, corporation, or other entity.

9. The term “Complaint” refers to the “Complaint – Civil Action” filed in this action on December 24, 2018, in the United States District Court of the Eastern District of Pennsylvania.

10. The term “including” means including but not limited to.

11. The term “relating to” means constituting, comprising, discussing, covering, evidencing, supporting, reflecting, or referring to directly or indirectly, the subject matter identified in a particular Request.

12. The term “describe in detail” means to describe fully by reference to underlying facts rather than by ultimate facts or conclusions of law, and to particularize as to time, place, and manner.

13. The term “identify” when used with reference to an oral communication, discussion, conversation, meeting, conference, or any other oral statements means to describe in detail the substance of, to state the date and location of, and to identify the participants in each such communication, discussion, conversation, meeting, conference, or statement.

14. The term “identify” when used with reference to an individual person means to state his or her full name (or if not known, provide sufficient description so that he or she will be identifiable to the recipients of your answer), job title, employer or business affiliation, last known business or home address, and telephone number.

15. The term “identify” when used with reference to a document or written communication means to state the type of document or communication (e.g., memorandum, letter, handwritten notes, etc.), to state its date, to briefly describe its contents, to identify the author (and if different, the originator and signer), and to identify the person (or, if widely distributed, the group of persons) to whom the document or communication was sent. You may produce the document or written communication in lieu of identifying it.

16. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Request all responses that might otherwise be construed to be outside of its scope.

17. The use of the singular form of any word includes the plural and vice versa.

18. In answering the Interrogatories, furnish all information that is available to you, including information in the possession of your attorneys or investigators, and not merely such information known of your own personal knowledge. If you cannot answer these Interrogatories in full after exercising due diligence to secure the information to do so, so state and answer to the extent possible.

19. If any information requested in these Interrogatories is withheld pursuant to a claim of any privilege or that the information constitutes attorney work product or trial preparation material, expressly state the privilege or protection claimed for each item of information, and describe the nature of such information withheld in a manner that, without revealing the privileged or protected information, will enable other parties to assess the applicability of the privilege or protection.

20. If you object to the production of any document on the grounds of privilege, you are required to provide a log of such privileged documents, which log shall, as to each withheld document, identify the nature of the document, its subject matter, the title, author, and date of the document, the addressee(s) of the document, if any, and the basis for the claim of privilege.

21. In responding to the Requests, you shall produce all documents that are available to you, including documents in the possession of your attorneys, investigators or experts, and not merely documents in your own personal possession. If you cannot produce a particular document after exercising due diligence to find or obtain the document, you should so state.

22. Unless otherwise indicated, all Interrogatories and Requests refer to the period January 1, 2003 through the present.

INTERROGATORIES

1. Describe in detail anything that USAT does or has done in the United States, including without limitation any administrative, informational, lecture, educational and testing operations.

2. Describe in detail all facts supporting your contention that ECFMG engaged in “illegal actions,” as alleged in paragraph 22 of the Complaint.

3. Identify any students who you contend have been adversely affected by ECFMG’s actions and describe in detail how they have been adversely affected.

4. Identify any USAT graduates who have not gone to the United States for their post-graduate medical training and describe in detail where (if anywhere) these students completed their medical training and where (if anywhere) they are licensed to practice medicine.

5. Describe in detail USAT’s relationship with the Medical College of London (MCL), which is referenced in USAT’s agreement with Montserrat (Compl. Ex. C), including without limitation all facts relating to USAT’s and/or MCL’s accreditation status with the General Medical Council or any other accrediting body in the United Kingdom.

6. Describe in detail all facts supporting your contention that the information about USAT in the Sponsor Note was misleading, as alleged in paragraph 45 of the Complaint.

7. Describe in detail all facts supporting your contention that the ECFMG affidavits are “misleading,” as alleged in paragraphs 10 and 35 of the Complaint.

8. Describe in detail all facts supporting your contention that ECFMG holds itself out as a governmental entity, as alleged in paragraph 28 of the Complaint.

9. Describe in detail all facts relating to the “break-in at the office of USAT in Colorado” referred to in Plaintiff’s Self-Executing Discovery Statement dated January 23, 2019, including without limitation all efforts to investigate the break-in (including details about the reporting officers), which items and documents related to the allegations in this Complaint were taken, and whether the items and documents taken have been recovered and/or had back-up copies.

10. Describe in detail any and all remedies that you seek in connection with this lawsuit, including each element of damages or other relief to which you claim you are entitled, the method of calculating each such element of damages or other relief, the amount of each element of damages or other relief, and the time period for which you are seeking damages or other relief.

11. Identify each and every person who provided information used to answer these Interrogatories, and identify the Interrogatory or Interrogatories for which that person provided information.

12. Identify all persons with knowledge relating to the allegations and claims in the Complaint, and for each person, describe the subject(s) about which they have knowledge.

13. Identify any and all persons you may call as a fact witness relating to this lawsuit at the time of trial.

DOCUMENT REQUESTS

1. All documents identified in Plaintiff’s Self-Executing Discovery Statement dated January 23, 2019.

2. All documents identified in or relied upon in the course of answering the Interrogatories served contemporaneously with these Requests.

3. All documents relating to anything that USAT does or has done in the United States, including without limitation documents relating to any administrative, information, lecture, and testing activities.

4. All documents relating to USAT's relationship with the Miami Anatomical Research Center, including without limitation service contracts.

5. All documents relating to USAT's commencement ceremonies occurring in the United States.

6. All documents relating to any permission or authorization sought by USAT from federal, state, or local authorities and/or accrediting bodies to conduct business or maintain any operations in the United States.

7. All communications between USAT and federal, state or local authorities and/or accrediting bodies in the United States relating to anything that USAT does or has done in the United States.

8. All communications between USAT and accrediting bodies relating to USAT's accreditations and/or efforts to obtain accreditations.

9. All documents relating to accreditation activities completed for or by USAT, including without limitation applications for accreditation, assessments, and documents relating to site visits.

10. All documents relating to USAT's relationship with the Medical College of London (MCL), which is referenced in USAT's agreement with Montserrat (Compl. Ex. C), including without limitation all documents relating to USAT's and/or MCL's accreditation status with the General Medical Council or any other accrediting body in the United Kingdom.

11. Documents sufficient to show the number of students who applied to USAT from January 2003 to present and indicating whether each was admitted, deferred, denied or placed into some other category.
12. Documents sufficient to show USAT's revenue for calendar years 2003 through 2018.
13. All documents forecasting or projecting USAT's revenues after January 1, 2003.
14. Copies of and all documents relating to contracts between USAT and USAT students.
15. Copies of and all documents relating to prospective contracts between USAT and prospective USAT students.
16. Copies of and all documents relating to contracts between you and USAT students.
17. Copies of and all documents relating to prospective contracts between you and prospective USAT students.
18. All documents relating to volcanic activity that allegedly displaced USAT from Montserrat, including without limitation all correspondence with authorities in Montserrat discussing such displacement and requesting to relocate back to Montserrat.
19. Copies of and all documents relating to USAT's small platform online courses ("SPOC").
20. Documents sufficient to show current enrollment at USAT.
21. Documents sufficient to show all your past, current, and anticipated compensation from USAT.

22. Documents sufficient to show all past, current, and anticipated compensation you receive from USAT students.

23. All documents relating to your ownership interest in USAT, as alleged in paragraphs 1 and 10 of the Complaint.

24. All communications between you and ECFMG relating to the claims or facts underlying the claims you are asserting in the Complaint.

25. All communications between you and USAT administrators relating to ECFMG or ECFMG affidavits.

26. All communications between you and USAT faculty members relating to ECFMG or ECFMG affidavits.

27. All communications between you and USAT students or graduates relating to ECFMG or ECFMG affidavits.

28. All documents relating to plans by you or USAT to open or operate a medical school in the British Virgin Islands.

29. All documents relating to your contention that ECFMG is attempting to close down USAT, as alleged in paragraph 10 of the Complaint.

30. All documents relating to your contention that doctors who graduated from USAT have been unable to commence their residency due to ECFMG's actions, as alleged in paragraph 10 of the Complaint.

31. All documents relating to your contention that ECFMG wants to remove you as President of USAT, as alleged in paragraph 26 of the Complaint.

32. All documents relating to your contention that ECFMG represented itself to be a government agency, as alleged in paragraph 46 of the Complaint.

33. All documents relating to Dr. Pinsky and USAT, including without limitation documents relating to your contention that Dr. Pinsky “authorized the illegal actions of the ECFMG,” as alleged in paragraph 50 of the Complaint.

34. All documents relating to the closure of administrative conference venues in the United States, as alleged in paragraph 57 of the Complaint.

35. All documents relating to the “break-in at the office of USAT in Colorado” referred to in Plaintiff’s Self-Executing Discovery Statement dated January 23, 2019, including all police reports, summaries, text messages and e-mails pertaining to same.

36. All statements you or your attorneys have obtained from individuals concerning the allegations in the Complaint or any alleged unlawful conduct by ECFMG.

37. All documents and communications relating to the remedies you seek, including each element of damages or other relief to which you allegedly are entitled, as alleged in paragraph 30 of the Complaint.

38. All documents and communications referenced in or used, reviewed, or relied upon in preparing the Complaint.

39. All documents and communications relating to the claims asserted in the Complaint.

40. All documents you may introduce as exhibits at trial in this lawsuit.

DATED: February 19, 2019

/s/ Elisa P. McEnroe

Elisa P. McEnroe, PA Bar No. 206143

Matthew D. Klayman, PA Bar No. 319105

MORGAN, LEWIS & BOCKIUS, LLP

1701 Market Street

Philadelphia, PA 19103-2921

Telephone: +1.215.963.5917

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elisa.mcenroe@morganlewis.com
matthew.klayman@morganlewis.com

*Attorneys for the Educational Commission for
Foreign Medical Graduates and Dr. William W.
Pinsky*

CERTIFICATE OF SERVICE

I do hereby certify that on this date, I caused true and correct copies of the foregoing document to be served upon the following counsel of record via electronic and regular mail:

TOMMY SWATE
403 WILD PLUM
HOUSTON, TX 77013

WILLIAM C. REIL
1515 MARKET ST SUITE 1200
PHILADELPHIA, PA 19102
215-564-1635
Fax: 215-564-4292
Email: billreillaw@gmail.com

Attorneys for Plaintiff

/s/ Elisa P. McEnroe

Elisa P. McEnroe

William C. Reil, Esquire
1515 Market Street, Suite 1200, Philadelphia, PA 19102
Tel: 215-564-1635 Fax: 215-564-4292
BillReilLaw@gmail.com

March 27, 2019

BY EMAIL ONLY

elisa.mcenroe@morganlewis.com

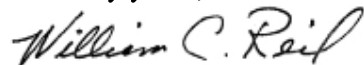
Elisa P. McEnroe, Esquire
Morgan, Lewis, and Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921

Re: Dr. Tulp v. ECFMG and Dr. Pinsky
Docket No: 2:18-cv-05540-WB
Plaintiff's Answers to Defendants' Initial Discovery;
Outstanding Depositions

Dear Ms. McEnroe:

Enclosed please find a true and correct copy of plaintiff's answers to defendants' initial interrogatories and request for production of documents. In light of Judge Bettleson's recent Order on defendants' motion to dismiss, I would like to discuss the outstanding deposition situation with you, as soon as possible.

Sincerely yours,



William C. Reil

cc: Tommy Swate, Esq.
Dr. Orien L. Tulp

enc: Plaintiff's Answers to Defendants' Initial Discovery with:

- Judge Bettleson's Order of 03/26/19
- Plaintiff's Proposed Exhibits
- Plaintiff's Self-Executing Discovery

LAW OFFICES OF WILLIAM C. REIL

BY: William C. Reil, Esquire

Identification No. 26833

1515 Market Street, Suite 1200

Philadelphia, PA 19102

215-564-1635

ATTORNEY FOR PLAINTIFF

Dr. Orien L. Tulp	:	UNITED STATES DISTRICT
President of the	:	COURT FOR THE EASTERN
University of Science, Arts, and Technology	:	DISTRICT OF PENNSYLVANIA
4288 Youngfield Street	:	
Wheat Ridge, CO 80033	:	Case No. 2:18-cv-05540-WB
vs.	:	
Educational Commission for	:	
Foreign Medical Graduates	:	
3624 Market Street	:	
Philadelphia, PA 19104	:	
and	:	
Dr. William W. Pinsky	:	
President and CEO	:	
Educational Commission for	:	
Foreign Medical Graduates	:	
3624 Market Street	:	
Philadelphia, PA 19104	:	JURY TRIAL DEMANDED

PLAINTIFF'S ANSWERS TO DEFENDANTS' INTERROGATORIES

Plaintiff, through his undersigned counsel, submits the following answers to defendants' initial interrogatories and request for production of documents, and in support thereof, it is averred as follows:

Preliminary Statement:

These interrogatories were dictated before the Court's recent Order attached hereto, which limits Plaintiff's Lawsuit to Violation of Due Process by the Defendants. Accordingly, Plaintiff objects to any discovery which is inadmissible discovery under the Court's Order.

1. The entire interrogatory is objected to as vague; notwithstanding, students in the United States have access to Internet courses. See transcript of Tulp court testimony.

2. Inter alia, the Complaint explicates illegal actions of ECFMG. See also the exhibits to the Complaint, the Court testimony of Dr. Tulp, and the deposition testimony of Dr. Pinsky. ECFMG has the primary evidence in their redacted affidavits, which plaintiff herein requests. Essentially, ECFMG has erected a number of illegal barriers which make it difficult, if not impossible, for many of USAT's students to complete the process for which ECFMG is the gatekeeper. This effectively means that the defendants have the ability to foreclose foreign medical students from obtaining medical licensure in the United States, even where such licensure is merited.

3. ECFMG would have the information in their possession about the particular students from USAT who have paid to take examinations, have been denied by ECFMG their right to take these examinations, and have not had their money refunded.

4. Objection that this interrogatory does not lead to admissible evidence on any material issue in this case. By way of further response, Plaintiff objects based on the privacy of these individuals, as defendant did when they redacted names of individuals from their so called subpoenas. In addition, plaintiff is unable to answer this question as stated.

5. Objected to as not leading to relevant, discoverable evidence. By way of further response, USAT at present has no relationship with the Medical College of London except what is indicated in the document therein.

6. Inter alia, the sponsor note by the ECFMG, which was put on the WDOMS website, implied that misconduct by Dr. Tulp and/or USAT was committed before the Hearing by the ECFMG for Dr. Tulp.

7. Inter alia, the affidavits referred to in this interrogatory are not affidavits. Among other reasons, they request documents. There are more akin to illegal subpoenas. It should be noted that plaintiff has not been supplied all the redacted affidavits by ECFMG. The trial testimony of Dr. Tulp is incorporated herein, as though fully set forth.

8. Paragraph 20 of the Complaint as well as 29 and 30 speak for themselves. It is noted that ECFMG never indicated in its affidavits to any USAT students that it was not a governmental entity, and that is the impression that ECFMG was trying to convey. Also, ECFMG is the sole gatekeeper for the admission of foreign medical students to practice medicine in the United States.

9. The break-in at the USAT offices in Colorado was reported by the building manager, who has not yet reported the outcome to USAT. To date, no items were recovered. The primary location targeted was a former registrar's desk and the computers used by her.

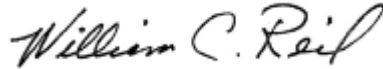
10. The elements of damages are included in the Complaint and supplemented by the trial testimony of Dr. Tulp. Essentially, ECFMG has destroyed the reputation of Dr. Tulp and the act of functioning of USAT. Many of the damages indicated herein are intangible in nature.

11. The plaintiff, Orien Tulp.

12. The interrogatory is objected to as overbroad. For example, there are probably dozens, if not hundreds, of students who have information relevant to the Complaint, including those students who were illegally sent so called "affidavits" by ECFMG. Dr. Orien Tulp was the source for the information used in the Complaint, and the exhibits attached thereto.

13. This is a litigation decision which has not yet been made, and is contingent upon further discovery and any rulings by the Court. Without waiving any objection hereto, it is anticipated that the parties, Kara Corrado and Lisa L. Cover, may be called as witnesses. While plaintiff has not made a final determination as to witnesses, it is anticipated that witnesses involved with the WDOMS and administrative personnel used in the investigation of Dr. Tulp and ECFMG may also be called as witnesses.

Respectfully submitted,

A handwritten signature in black ink, reading "William C. Reil". The signature is written in a cursive, flowing style.

William C. Reil, Esquire
Attorney for Plaintiff
03/27/19

LAW OFFICES OF WILLIAM C. REIL

BY: William C. Reil, Esquire

Identification No. 26833

1515 Market Street, Suite 1200

Philadelphia, PA 19102

215-564-1636

ATTORNEY FOR PLAINTIFF

Dr. Orien L. Tulp	:	UNITED STATES DISTRICT
President of the	:	COURT FOR THE EASTERN
University of Science, Arts, and Technology	:	DISTRICT OF PENNSYLVANIA
4288 Youngfield Street	:	
Wheat Ridge, CO 80033	:	Case No. 2:18-cv-05540-WB
vs.	:	
Educational Commission for	:	
Foreign Medical Graduates	:	
3624 Market Street	:	
Philadelphia, PA 19104	:	
and	:	
Dr. William W. Pinsky	:	
President and CEO	:	
Educational Commission for	:	
Foreign Medical Graduates	:	
3624 Market Street	:	
Philadelphia, PA 19104	:	JURY TRIAL DEMANDED

PLAINTIFF'S ANSWER TO THE FIRST SET OF DOCUMENTS

Preliminary Statement:

Plaintiff herein incorporates the Preliminary Statement to his interrogatory answers, as fully set forth herein.

1. Plaintiff has no documentary evidence with the exception of the exhibits used at the preliminary injunction hearing at this time. Plaintiff would also identify the “black binder” given to counsel at the “irregular behavior” hearing on 11/28/18. This binder appears to contain at several hundred pages of information. Plaintiff would request any documents in the possession of defendants involving allegations of “irregular behavior” which have not been provided. Plaintiff would request rules and regulations pertinent to the ECFMG and the state medical boards in the possession of ECFMG.

2. ECFMG brought charges and has all documents in its possession upon which plaintiff was found guilty of “irregular behavior”:


- a) A black binder handed out by defendants consisting of several hundred pages, which was made available to the committee prior to the Hearing, but to the plaintiff Dr. Tulp on the date of the Hearing.
- b) Transcripts from the Injunction Hearing involving Dr. Tulp, including testimony by Dr. Tulp and Kara Corrado.
- c) The transcripts of Dr. Pinsky’s deposition.
- d) Exhibits used at the Injunction Hearing.(see cover page attached).
- e) Transcript of the ECFMG Administrative Hearing of Dr. Tulp.

3. Objected to as inadmissible discovery evidence in light of the Court’s ruling confining issues to the Due Process claims of defendant.

4. Objected to as inadmissible in Discovery because these documents do not relate to the Hearing of Dr. Tulp before the ECFMG and the denial of due process prior to the Hearing.

5-40. Plaintiff incorporates his answers to paragraphs 1, 2, 3, and 4, as though fully set forth herein.

Respectfully submitted,

A handwritten signature in black ink, reading "William C. Reil". The signature is written in a cursive, flowing style.

William C. Reil, Esquire
Attorney for Plaintiff

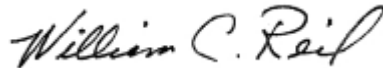
03/27/19

CERTIFICATE OF SERVICE

I certify that I will serve in accordance with P.A.R.C.P. 440 all parties not served electronically. I further certify that a true and correct copy of the attached document (s) was served upon all other parties or their counsel of record by:

_____	Regular First Class Mail
_____	Facsimile
_____	Certified Mail
_____	Hand-Delivered
_____	Electronic Filing
_____ X	Email

Respectfully submitted,



William C. Reil, Esquire
Attorney for Plaintiff
03/27/19

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DR. ORIEN L. TULP,
Plaintiff,

CIVIL ACTION

v.

EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES AND
DR. WILLIAM W. PINSKY,
Defendants.

NO. 18-5540

ORDER

AND NOW, this 26th day of March, 2019, upon consideration of Defendants' Motion to Dismiss and support thereof (ECF Nos. 20 & 25), and Plaintiff's Response in Opposition thereto (ECF No. 24), it is hereby **ORDERED** that Defendants' Motion to Dismiss is **GRANTED IN PART AND DENIED IN PART**, as follows:

1. Defendants' Motion to Dismiss Plaintiff's common law due process claim against ECFMG is **DENIED**;
2. Defendants' Motion to Dismiss the remainder of Plaintiff's claims against Defendants is **GRANTED**. Such claims are **DISMISSED WITHOUT PREJUDICE**.

BY THE COURT:

/s/ Wendy Beetlestone

WENDY BEETLESTONE, J.

Dr. Tulp v. ECFMG and Dr. Pinsky
Docket No: 2:18-cv-05540-WB

PLAINTIFF'S PROPOSED EXHIBITS

	<u>PAGE</u>
Acronym Sheet	1
(Exhibits A-F from Complaint)	
Exhibit A: Letter of 12/14/18 from Dr. Pinsky To Dr. Orien L. Tulp	2
Exhibit B: World Directory of Medical Schools Printout on USAT	4
Exhibit C: Agreement between USAT and the Government of Montserrat	5
Exhibit D: ECFMG Affidavit Attesting to Medical School Attendance	10
Exhibit E: Letter of 11/21/18 from Ms. Kara Corrado to Dr. Tommy Swate	12
Exhibit F: Letter of 10/18/18 from Lisa L. Cover to Dr. Orien L. Tulp	14
Exhibit G: (Letters from Kara Corrado, Esq.)	
Letter of 11/27/18 to Dr. Tommy Swate	18
Letter of 11/25/18 to Dr. Tommy Swate	19
Letter of 10/18/18 to Dr. Orien L. Tulp	21
Letter of 11/14/18 to Dr. Tommy Swate	23
Letter of 10/26/18 to Dr. Tommy Swate	28
Letter of 9/14/18 to Dr. Orien L. Tulp	31

William C. Reil, Esquire
1515 Market Street, Suite 1200, Philadelphia, PA 19102
Tel: 215-564-1635 Fax: 215-564-4292
BillReilLaw@gmail.com

January 23, 2019

BY EMAIL AND REGULAR MAIL
elisa.mcenroe@morganlewis.com

Elisa P. McEnroe, Esquire
Morgan, Lewis, and Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921

Re: Dr. Tulp v. ECFMG and Dr. Pinsky
Docket No: 2:18-cv-05540-WB
Plaintiff's Self-Executing Discovery Statement

Dear Ms. McEnroe:

I submit the following as plaintiff's self-executing discovery statement pursuant to Rule 26. Plaintiff reserves the right to amend or supplement these responses through the discovery process.

- a) **Witnesses:** Plaintiff, all defendants, and Lisa Cover. Plaintiff particularly wishes to take the deposition of Dr. William Pinsky. All of these witnesses, with the exception of Dr. Pinsky, should have been present at the hearing on the preliminary injunction on 1/24/19. In addition, plaintiff will want to take the deposition of any person from ECFMG or hired by ECFMG to investigate the issue of "irregular behavior." Plaintiff may want to take the deposition of any person who has information concerning the allegation of a false statement by Dr. Tulp. Plaintiff may also want to take the deposition of any person who has any information that Dr. Tulp allegedly committed "irregular behavior." Plaintiff has not retained an expert witness at this time.
- b) **Documents and Evidence:** Plaintiff has no documentary evidence with the exception of the exhibits used at the preliminary injunction hearing at this time. Plaintiff would also the identify the "black binder" given to counsel at the "irregular behavior" hearing on 11/28/18. This binder appears to contain at least 200 pages of information. Plaintiff would request any documents in the possession of defendants involving allegations of "irregular behavior" which have not been provided, as well as any information in the possession of defendant concerning alleged improper campuses" by the USAT including photographs. Plaintiff would request rules and regulations pertinent to the ECFMG and the state medical boards in the possession of ECFMG.

- c) **Damages:** Essentially, the decision of the ECFMG board has destroyed the career of Dr. Tulp, the existence of USAT, and the possibly the careers of a number of students and graduates of USAT. There are significant lost tuition payments, as well as the destruction of Dr. Tulp's reputation.
- d) **Insurance:** Not Applicable to Plaintiff.

Sincerely yours,



William C. Reil
WCR/cmb

cc: Dr. Orien L. Tulp
Tommy Swate, Esquire

P.S. I first became aware yesterday that there was a break-in at the office of USAT in Colorado on Friday evening. The police were called. Computers and other items were taken. No one has been arrested at this time.

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NO. 2:18-cv-05540-WB

3
4 DR. ORIEN L. TULP) VIDEO DEPOSITION
)
5 Plaintiff,) OF
)
6 - vs -) ORIEN L. TULP,
) Ph.D., M.D.
7 EDUCATIONAL)
 COMMISSION FOR)
8 FOREIGN MEDICAL)
 GRADUATES and DR.)
9 WILLIAM W. PINSKY)
)
10 Defendants.)

11 - - - - -
12
13

14 TRANSCRIPT OF VIDEO DEPOSITION,
15 taken by and before DANA M. JONES,
16 Professional Reporter and Notary Public,
17 at the offices of MORGAN LEWIS, 1701
18 Market Street, 18th Floor, Philadelphia,
19 Pennsylvania, on Wednesday, April 17,
20 2019, commencing at 9:20 a.m.
21
22

23 GOLKOW LITIGATION SERVICES
24 877.370.3377 ph/917.591.5672 fax
Deps@golkow.com

1 A P P E A R A N C E S:

2

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20 Senior Vice President
and General Counsel

21

22 A L S O P R E S E N T:

23

Devyn Mulholland - Videographer
23 Christina Beatrice - Paralegal to William
Reid, Esquire.
24 Christopher Blinn

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I N D E X

WITNESS

PAGE

ORIEN L. TULP, Ph.D., M.D.

By: Ms. McEnroe

5, 114

By: Mr. Swate

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- - -

E X H I B I T S

NUMBER

DESCRIPTION

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Exhibit-1

Resume

32

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LITIGATION SUPPORT PAGE

INSTRUCTION NOT TO ANSWER

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(None)

REQUEST FOR PRODUCTION OF DOCUMENTS

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77 7

1 P R O C E E D I N G,
2 VIDEOGRAPHER: We are now on
3 the record. My name is Devyn
4 Mulholland. I'm a videographer
5 with Golkow Litigation Services.

6 Today's date is April 17,
7 2019. The time is 9:20 a.m. This
8 video deposition is being held in
9 Philadelphia, Pennsylvania in the
10 matter of Tulp, Ph.D. versus
11 ECFMG, et al. The defendant is
12 Orien L. Tulp, Ph.D., M.D.

13 Counsel will be noted on the
14 stenographic record. The court
15 reporter is Dana Jones and will
16 now swear in the witness.

17 ORIEN L. TULP, Ph.D.,
18 M.D., after having been duly
19 sworn, was examined and testified
20 as follows:

21 - - -

22 EXAMINATION

23 - - -

24 BY MS. MCENROE:

1 Q. Good morning, Dr. Tulp. My
2 is Elisa McEnroe, counsel for the
3 Educational Commission for Foreign
4 Medical Graduates, which we'll call it
5 ECFMG today.

6 A. Okay.

7 Q. Is that okay?

8 A. All right.

9 Q. Have you been deposed
10 before?

11 A. Not very often.

12 Q. Not very often but ever
13 before?

14 A. Only once.

15 Q. Only once. Okay. So you
16 understand that you're under oath today?

17 A. I understand.

18 Q. Just as if you were in a
19 court room before Judge Beetlestone?

20 A. Yes.

21 Q. And we will expect that
22 you'll tell the true?

23 A. I don't know any other way.

24 Q. Great. And if you could

1 speak up a little bit louder that will be
2 helpful for all of us.

3 A. I will try.

4 Q. Thank you so much.

5 Do you know where you were
6 on January 18, 2019?

7 A. January 18, 2019?

8 Q. Correct.

9 A. Wasn't I here?

10 Q. I don't know. That's the
11 date of the alleged break in for the --

12 A. -- oh, that break in.

13 Q. Yeah. Do you know where you
14 were the day of the break in?

15 A. I was not in Colorado that
16 day.

17 Q. And was the break in in
18 Colorado?

19 A. It was in Colorado, yes.

20 Q. What kind of facility was it
21 a break in into?

22 A. It was an office complex.

23 Q. And what office is in that
24 complex?

1 A. USAT had their
2 administrative admission's office there
3 and an office for the registrar.
4 Administrative offices.

5 Q. Does it still have offices
6 there?

7 A. No.

8 Q. When did it cease having
9 offices there?

10 A. March 1st.

11 Q. And where did the documents
12 or other possessions from USAT move to?

13 A. 5400 Ward Road, Aspen
14 Business Complex.

15 Q. Also in Colorado?

16 A. Aspen Park Business.

17 Q. Also in Colorado?

18 A. Also in Colorado, yes.

19 Q. What's the reason for the
20 move?

21 A. The lease was up and they
22 put the building up for sale.

23 Q. Do you know what was stolen
24 during the theft on January 18, 2019?

1 A. What was missing? They
2 appeared to have targeted the former
3 registrar's desk. They took the two
4 computers that she had been using during
5 her employ. And some files that had been
6 in her desk and little else.

7 COURT REPORTER: I'm sorry?

8 THE WITNESS: A few minor
9 other items but they only targeted
10 her desk and that was about it.

11 BY MS. MCENROE:

12 Q. And who was that former
13 registrar?

14 A. That was Nadine Cruz.

15 Q. When did she cease being a
16 registrar for USAT?

17 A. About one month before that.
18 I don't recall the exact date.

19 Q. When you say two computers,
20 were they desktop computers or laptops?

21 A. They were laptops, desktops,
22 yes.

23 Q. Desktops or laptops?

24 A. You know, laptops.

1 Q. And when you say some files
2 in her desk were stolen, were those hard
3 copy or electronic files?

4 A. They were paper files. It
5 was actually the application for her
6 replacement.

7 Q. And who was her replacement?

8 A. A trainee, Nicole Perez.

9 Q. You said a couple of other
10 small things were taken as well.

11 A. Speakers.

12 Q. Speakers, computer speakers?

13 A. Laptop speakers.

14 Q. Anything else?

15 A. A couple of flash drives.

16 Q. Do you remember the contents
17 of those flash drives?

18 A. I do not know the content of
19 the flash drives, no.

20 Q. Anything else?

21 A. I think they took a water
22 bottle that belonged to Ms. Cruz, I
23 believe.

24 Q. Anything else?

1 A. I don't know of any other
2 items.

3 Q. Do you if a police report
4 was made?

5 A. Yes.

6 Q. Have you ever seen that?

7 A. No.

8 Q. Who made the police report?

9 A. The building owner made the
10 report -- or the building manager made
11 the report.

12 Q. Who was that?

13 A. The building manager, I
14 don't know her name.

15 Q. A lady?

16 A. A lady. I don't know her
17 name.

18 Q. Has anything been recovered?

19 A. No.

20 Q. Do you know if it's an open
21 investigation?

22 A. I believe it's still open.

23 Q. Do you have a suspicion or
24 understanding about why those things may

1 have been stolen from the USAT building?

2 A. A very strong suspension.

3 Q. And what is your suspension?

4 A. The suspension would be that
5 it would have been linked to Ms. Cruz
6 because it specifically targeted her desk
7 and her previous -- her former computers.
8 And because the nature of the break in
9 where it occurred, how it occurred, one
10 would have to be very familiar with the
11 building to know how to gain entrance.

12 Q. Was there any, as far as you
13 know, evidence of a break in, broken
14 locks, broken windows?

15 A. Broken window.

16 Q. A broken window?

17 A. A broken window in the
18 conference room.

19 Q. Glass broken or broken like
20 the lock --

21 A. -- glass broken.

22 Q. So if you could just let me
23 finish my questions --

24 A. Okay.

1 Q. -- and I'll let you finish
2 your answer, so we don't talk on top of
3 each other. But we're doing great so
4 far.

5 A. That's fine.

6 Q. Okay. Thank you.

7 So there was broken glass
8 you said?

9 A. Yes.

10 Q. And what are the
11 circumstances of Ms. Cruz leaving USAT?

12 A. There were work performance
13 issues.

14 Q. What do you mean by that?

15 A. Repeated errors on
16 transcripts.

17 Q. What do you mean by repeated
18 errors on transcripts?

19 A. Misspelling of names,
20 misspelling of course selections,
21 miscalculation of grade point averages,
22 things that a registrar has to be very
23 accurate about.

24 Q. Who communicated to Ms. Cruz

1 that she was no longer going to be
2 employed by USAT?

3 A. The vice president.

4 Q. And who is that?

5 A. Carla Konyk, Director Konyk.

6 Q. And could you spell Carla's
7 last name for us?

8 A. K-O-N-Y-K.

9 Q. And you say that Konyk?

10 A. Konyk.

11 Q. Great. Thank you.

12 Was that communication in
13 writing or oral, do you know?

14 A. Both. And it was a
15 longstanding communication over a number
16 of months.

17 Q. Prior to January 2019?

18 A. Prior to her dismissal.

19 Q. And which was in December
20 2018, does that sound right?

21 A. I don't remember the exact
22 date. I don't know.

23 Q. But towards the end of 2018
24 would you say?

1 A. Probably, yes.

2 Q. Do you know if any valuables
3 were taken in the theft?

4 A. Any?

5 Q. Valuables.

6 A. Valuables. Well, laptops in
7 this case would be considered valuables.

8 Q. Aside from the laptops.

9 A. I don't -- I'm not aware of
10 any other significant valuables. There's
11 no money stored on campus, for example,
12 in the office.

13 Q. Have you been in touch with
14 the police to tell them your suspicion
15 about the cause of the theft?

16 A. I have requested through the
17 vice president who communicates with the
18 former manager who has been unresponsive.

19 Q. The former building manager?

20 A. Building manager is
21 unresponsive.

22 Q. But you have not gone
23 directly to the police yourself?

24 A. No, I haven't gone directly

1 to the police myself.

2 Q. I'd like to talk about USAT
3 a little bit.

4 Do you understand what I'm
5 talking about by saying USAT?

6 A. Uh-huh. I'm familiar with
7 the term.

8 MR. REIL: Counsel, before
9 we get into your next issue, could
10 we go off the record?

11 MS. MCENROE: Sure.

12 MR. REIL: Okay.

13 VIDEOGRAPHER: Off the
14 record at 9:29 a.m.

15 (At this time, a discussion
16 was held off the video and
17 stenographic record.)

18 VIDEOGRAPHER: Back on the
19 record at 9:30 a.m.

20 MS. MCENROE: Counsel can
21 correct me if I'm wrong but we've
22 agreed that for the purposes of
23 this deposition, that all
24 objection -- all objections aside

1 to those to form are reserved
2 until the time of trial.

3 MR. SWATE: Yes, that's the
4 agreement.

5 MR. REIL: So agreed.

6 MS. MCENROE: Thank you.

7 BY MS. MCENROE:

8 Q. So what does USAT stand for?

9 A. University of Science, Arts
10 and Technology.

11 Q. Do you know when USAT came
12 into existence?

13 A. I didn't hear that.

14 Q. Do you know when USAT came
15 into existence?

16 A. September 26, 2003.

17 Q. And how do you know that
18 date?

19 A. Because I was there.

20 Q. Tell me a little bit about
21 your involvement in the starting of USAT?

22 A. We -- while I was residing
23 in the UK I'm often, as a professor,
24 often asked to write letters of

1 recommendation for students to go to
2 other schools, and I became aware while I
3 was on a leave in Cambridge that there
4 were a number of offshore schools based,
5 you know, satellite programs running in
6 the UK, and while I was there one of them
7 invited me to be a dean of his school. I
8 went down and looked at it and I began to
9 investigate and discovered that, number
10 one, his school was never licensed. And
11 I used the credential for the Pentagon
12 for medical professionals, so I did a
13 little background research to find out
14 that this whole school was bogus at the
15 time.

16 Q. And what school was that?

17 A. Saint Christopher's School
18 of Medicine -- or St. Christopher's
19 College of Medicine it became, and I'm
20 not when that transition occurred.

21 I declined the invitation on
22 the grounds that I've -- I was attending
23 professor at Drexel and it would have
24 been a conflict of my contract and I

1 didn't want to do it anyway. And so --
2 but it gave me a reason to look into the
3 business of offshore schools, being many
4 of them. I think they're right now 78
5 offshore schools in the Caribbean region
6 alone, in the Caricom.

7 COURT REPORTER: In where?

8 THE WITNESS: In the
9 Caricom.

10 And so I looked into that
11 and I realized that they're all
12 entrepreneurial, all of them. And
13 we got the idea that if one were
14 to form a university based on an
15 academic platform, it should go
16 far because there's a real need
17 and that's when we created USAT.

18 BY MS. MCENROE:

19 Q. You say when we created
20 USAT, who else worked with you to help
21 create USAT?

22 A. Several other individuals.
23 We got together in a pub in Cambridge,
24 the Eagle Pub. Very famous. I'm sure

1 you know about it.

2 Q. I studied at Oxford not at
3 Cambridge so I apologize, I don't know
4 that one.

5 A. I see. That's where they
6 first outlined DNA on a napkin. Anyway.
7 So we decided that we would form this
8 school, form a university based on an
9 academic platform because we're all
10 academics.

11 Q. And who is the we?

12 A. We -- my other primary
13 contributor at that time was Dr. Jeffrey
14 Mvenge.

15 Q. How do you spell the last
16 name?

17 A. M-V-E-N-G-E.

18 Q. And anybody else?

19 A. And he and I were the two
20 principles.

21 Q. You said offshore schools a
22 number of times, what do you mean by that
23 in this setting?

24 A. Offshore schools that are

1 schools that are located off the shores
2 of the US or major continents. They're
3 offshore schools I believe where
4 virtually every major land to me.

5 Q. So are you and Jeffrey
6 Mvenge the two founders of USAT?

7 A. He went back to Zimbabwe.

8 Q. Did he found USAT with you?

9 A. He was on the organizing
10 committee.

11 Q. Did he found USAT with you?

12 A. He was a contributor, I will
13 say that.

14 Q. Does he have any ownership
15 interest in USAT today?

16 A. No.

17 Q. Do you?

18 A. Yes.

19 Q. What's your ownership
20 interest in USAT?

21 A. 50 percent.

22 Q. Who owns the other 50
23 percent?

24 A. Carla Konyk.

1 Why is that relevant?

2 MR. REIL: Let counsel ask
3 her questions.

4 THE WITNESS: All right.

5 MR. REIL: We'll object if
6 we think it's necessary.

7 THE WITNESS: Okay.

8 MS. MCENROE: Thank you.

9 BY MS. MCENROE:

10 Q. And what's your relationship
11 to Ms. Konyk?

12 A. She's the vice president.

13 Q. Do you have a personal
14 relationship?

15 A. I've known her for many
16 years.

17 Q. Is she your wife?

18 MR. REIL: You can answer.

19 THE WITNESS: She is.

20 BY MS. MCENROE:

21 Q. Is she a medical doctor?

22 A. Yes.

23 Q. Where did she get her
24 medical degree?

1 A. In the UK.

2 Q. At what school?

3 A. I think it was called London
4 Medical College or something like that.

5 Q. Is that before or after you
6 guys had met?

7 A. Probably after. I met her
8 many years ago on a humanitarian medical
9 mission.

10 Q. And pardon me for not
11 nothing but does she have an M.D. or is
12 there a different medical degree from the
13 UK?

14 A. They're MBBS.

15 Q. MBBS. And is that what she
16 has?

17 A. Yes.

18 Q. Since the founding of USAT
19 has the ownership split been 50 percent
20 you and 50 percent Ms. Konyk?

21 A. Yes.

22 Q. From the beginning?

23 A. From the beginning.

24 Q. Still today?

1 A. Until today.

2 Q. And what is your title aside
3 from owner at USAT?

4 A. Professor.

5 Q. Are you also the president?

6 A. Yes.

7 Q. Do you have any other titles
8 at USAT?

9 A. No.

10 Q. Have you had any other
11 titles at USAT?

12 A. No.

13 Q. Speaking first about your
14 role as president, what specifically do
15 you do at USAT as president?

16 A. I provide overall direction
17 of the University, administrative
18 professor -- I tend to spend more of my
19 time working on the professional side, on
20 the academic side, curriculum,
21 corporation, guiding the curriculum
22 development, that sort of thing.

23 Q. Anything else?

24 A. That's about it.

1 Q. For professor, what do you
2 teach or have you taught at USAT?

3 A. Nutritional medicine mostly.
4 And that would include things like
5 pharmacology.

6 COURT REPORTER: I'm sorry?

7 THE WITNESS: That would
8 include pharmacology.

9 MR. REIL: Wait until
10 there's a question.

11 MS. MCENROE: I think he was
12 just clarifying for the court
13 reporter.

14 MR. REIL: Oh, okay. Fine.

15 BY MS. MCENROE:

16 Q. And have you been both the
17 professor and the president of USAT since
18 its founding?

19 A. Yes.

20 Q. And you mentioned that Ms.
21 Konyk is the vice president?

22 A. Yes.

23 Q. Is she a professor as well?

24 A. No, she's administrator.

1 Q. Just very briefly, what her
2 role is at USAT?

3 A. She's vice president and --
4 administration.

5 Q. So what does that mean?

6 A. Well, she takes care of all
7 the administrative details, makes sure
8 the bills get paid and that sort of
9 thing. Faculty get paid, making sure the
10 administrative policies, managing the
11 office and that sort of thing.

12 Q. Where is she based?

13 A. Colorado.

14 Q. And where are you based?

15 A. Colorado and Montserrat. I
16 split my time.

17 Q. How would you estimate your
18 split of time percentage-wise?

19 A. Recently, probably if I go
20 back, in the average over the last 15
21 years about 50/50.

22 Q. About 50/50.

23 You have a home there in
24 Montserrat?

1 A. Yes.

2 Q. Is there any other USAT
3 faculty or employees who are located in
4 Montserrat?

5 A. Yes.

6 Q. And who is that?

7 A. Dr. Lewis. Consultant
8 surgeon.

9 Q. What's Dr. Lewis' first
10 name?

11 A. Lowell.

12 Q. And is he a professor?

13 A. He's a professor. He's a
14 very senior surgeon.

15 Q. Anybody else?

16 A. Tracy Scipio, who is the
17 office manager.

18 Q. Yup.

19 A. Roy Abrams who is the
20 building engineer of the campus.

21 Q. Yup.

22 A. Another fellow who is --
23 Charles Rooney, who is the grounds
24 keeper.

1 Q. Yup.

2 A. We have a housekeeper whose
3 name I don't recall, it just changed.

4 Q. Yup.

5 A. We have some other staff
6 that worked there on a regular basis to
7 make sure that, you know, the buildings
8 are maintained in good condition and the
9 administrative stuff gets managed.

10 Q. Any other professors located
11 in Montserrat?

12 A. They travel in as are
13 needed.

14 Q. Are you currently employed
15 at the University of Health and
16 Humanities in the British Virgin Islands?

17 A. No.

18 Q. Has that school been
19 founded?

20 A. I believe so.

21 Q. Were you involved in it
22 getting founded?

23 A. Yes and no. I provided some
24 guidance.

1 Q. Is Ms. Konyk involved in its
2 founding?

3 A. I believe so.

4 Q. Is she an owner, in part or
5 in whole, of the University of Health and
6 Humanities BVI?

7 A. I believe so.

8 Q. What percentage owner is
9 she?

10 A. I'm not sure.

11 Q. Do you know any of the other
12 owners at the University of Health and
13 Humanities BVI?

14 A. Not really.

15 Q. So is that a no?

16 A. That's a no.

17 Q. Do you know what the status
18 is of that school, is it open and
19 operating?

20 A. It's been operating, yes.

21 Q. Since when?

22 A. Since January.

23 Q. Does it have students
24 enrolled?

1 A. I believe so. I believe
2 they do have.

3 Q. Are you a professor at the
4 University of Health and Humanities BVI?

5 A. No.

6 Q. Do you plan to be?

7 A. Not sure.

8 Q. Is there any relationship
9 between USAT and the University of Health
10 and Humanities in BVI?

11 A. No direct relationship that
12 I'm aware of.

13 Q. Is there an indirect
14 relationship?

15 MR. REIL: Objection to the
16 form of the question. Can we go
17 off the record?

18 VIDEOGRAPHER: Off the
19 record at 9:43 a.m.

20 (At this time, a discussion
21 was held off the video and
22 stenographic record.)

23 MR. REIL: I object to that
24 question because -- the form of

1 the question because I think the
2 term indirect relationship is very
3 vague. I'd appreciate it if you
4 can clarify that.

5 MS. MCENROE: Are you
6 directing him not to answer?

7 MR. REIL: Absolutely not.

8 MS. MCENROE: Then let's go
9 back on the record.

10 VIDEOGRAPHER: Back on the
11 video record at 9:44 a.m.

12 BY MS. MCENROE:

13 Q. Is there an indirect
14 relationship between USAT and the
15 University of Health and Humanities BVI?

16 A. I would say probably yes. I
17 don't -- I can't clarify that. I'm not
18 privy to that information.

19 Q. So Dr. Tulp, I am not going
20 to try to go through your whole
21 employment history and education history
22 because it's quite impressive and long.
23 I'm not going to belabor the point here
24 today but I do want to talk through a

1 couple of things in particular. And we
2 have what we believe is a copy of your
3 resume.

4 MS. MCENROE: I'd like to
5 mark Exhibit-1.

6 (At this time, a Resume was
7 marked for identification as
8 Exhibit-1.)

9 BY MS. MCENROE:

10 Q. So Dr. Tulp, I'm handing you
11 what's been marked as Exhibit-1. Is that
12 your name at the top?

13 A. It is indeed, yes.

14 Q. And are those your titles
15 listed out, Ph.D., M.D., F.A.C.N.,
16 C.N.S.?

17 A. Yes.

18 Q. Is this your resume?

19 A. It does appear to be, yes.

20 Q. Is this a familiar document
21 to you?

22 A. It is familiar, yes.

23 Q. Did you prepare it?

24 A. I most likely did some time

1 ago.

2 Q. Do you have any reason to
3 believe you did not prepare it?

4 A. No.

5 Q. So I know what a Ph.D. and
6 an M.D. is. What is an F.A.C.N.?

7 A. Fellow of the American
8 College of Nutrition.

9 Q. And what is C.N.S.?

10 A. Certified Nutritional
11 Specialist.

12 Q. I'd like to take a look at
13 the second page of that document and I'd
14 like to go through a couple things in
15 your education briefly.

16 So as I see it you have a
17 number of different degrees listed here
18 but I want to start from the top and work
19 my way down for the M.D. related degrees.
20 So the first that I see is a Ph.D., M.D.,
21 from the University of Vermont in 1968 to
22 1974; is that correct?

23 A. Correct, uh-huh.

24 Q. So am I understanding that

1 correct to say that you did both a
2 Medical Doctor degree and a Doctor of
3 philosophy at the University of Vermont?

4 A. Yes, I did the Ph.D.

5 Q. The M.D., Ph.D. program?

6 A. That's right.

7 Q. And so if I called the
8 University of Vermont would they tell me
9 that you graduated with an M.D.?

10 MR. REIL: Objection as to
11 what the University of Vermont
12 would say. You can answer.

13 THE WITNESS: I have no
14 idea.

15 BY MS. MCENROE:

16 Q. Do you have an diploma from
17 the University of Vermont with an M.D.
18 degree on it?

19 A. I have a diploma. I had
20 one.

21 Q. Have you ever seen one for
22 yourself?

23 A. Yes, I have. I've had one.
24 When I went to Montserrat they wanted my

1 original diploma so I took it out of the
2 frame and it has yet to be returned.

3 Q. And when I asked you if I
4 called the University of Vermont if they
5 would tell me that you had an M.D. degree
6 or not, you didn't say emphatically yes.
7 Why not?

8 A. Because I don't have a copy
9 of that certificate anymore, it's gone.

10 Q. Do you have a transcript
11 from when you attended the University of
12 Vermont and got your medical doctorate
13 degree?

14 A. I'm sure I do. It's been
15 many years.

16 Q. Moving a little bit further
17 down there's listed as a medical degree
18 from St. Petersburg Medical Academy/IUFS
19 in St. Petersburg, Russia in 2005. What
20 is IUFS?

21 A. I think that's the
22 International University for Fundamental
23 Studies. And I'm not sure what the
24 relationship of that is with St.

1 Petersburg Medical Academy. Medical
2 Academy is the medical school.

3 Q. Was that education in
4 Russian or in English?

5 A. It was in English.

6 Q. Have you ever tried to come
7 through the Educational Commission for
8 Foreign Medical Graduates with your
9 foreign medical diploma to enter graduate
10 medical education in the United States?

11 A. No.

12 Q. That diploma is listed as
13 2005?

14 A. Correct.

15 Q. Why did you attend St.
16 Petersburg Medical Academy for a medical
17 doctor degree in 2005?

18 A. They wanted me to be -- they
19 offered me a seated faculty position and
20 that was an enticement to get me to
21 accept it.

22 Q. Did you do course work for
23 that M.D. degree?

24 A. It was transfer credit.

1 Q. From where?

2 A. From University of Vermont.

3 Q. Did you do any course work
4 at St. Petersburg Medical Academy?

5 A. No. It was all transfer
6 credit.

7 Q. And I'd like to look at your
8 M.D. degree next, it's from California
9 University, Los Angeles?

10 A. That's a foreign degree
11 equivalence.

12 Q. So can you explain what that
13 means?

14 A. They reviewed everything,
15 they did a -- just like when similar to I
16 assume with the ECFMG does when you
17 submit your credentials, they do an
18 evaluation of that credential through
19 some agency and then they issue the
20 certificate accordingly.

21 Q. And was that a degree
22 awarded for course work done there?

23 A. No, that's an equivalency.

24 Q. Is that school, the

1 California University, Los Angeles
2 located in the United States?

3 A. Yes.

4 Q. In California?

5 A. In California.

6 Q. In Los Angeles?

7 A. In Los Angeles.

8 Q. Did you go to Los Angeles in
9 connection with receiving this degree?

10 A. I've been to Los Angeles
11 many times.

12 Q. In connection with receiving
13 this degree?

14 A. I didn't -- no, I didn't
15 have to go in connection with that
16 because it's an equivalency certificate,
17 not, you know, not in a classroom base.

18 Q. And what served as the basis
19 for that equivalency?

20 A. They evaluate your course
21 work and compare it to the US standard.

22 Q. And what course work was
23 that for you?

24 A. That was course work taken

1 at the University of Vermont and I
2 presume -- it's a collection of
3 everything.

4 Q. And why did you pursue
5 getting the M.D. degree at California
6 University, Los Angeles?

7 A. I guess for the same reason
8 we had to do it for NARIC in the UK.
9 When I was residing there, they evaluate
10 your credentials to see if they're
11 equivalent to their credentials. Even
12 though I never actually took a position
13 in the UK. We did do -- I did to the
14 NARIC evaluation and they considered
15 everything equivalent up to and including
16 the Ph.D., which is pretty good because
17 I'm aware that they don't accept a lot of
18 US credentials.

19 Q. So I want to make sure I
20 understand. So the Doctor of Medicine,
21 California University, Los Angeles, were
22 they evaluating to see if you had the
23 equivalent of a US degree?

24 A. US and UK.

1 Q. US and UK.

2 A. Yes.

3 Q. Okay. And so -- but you
4 already had a US degree from the
5 University of Vermont; correct?

6 A. Right.

7 Q. So you were doing that for
8 the purposes of having the equivalency of
9 a UK degree?

10 A. Yes, because I was
11 considering an appointment at Cambridge.

12 Q. So did you take an
13 appointment at Cambridge?

14 A. No, I did not.

15 Q. But you mentioned having
16 been at Cambridge when you had the idea
17 for USAT?

18 A. Yes, right.

19 Q. So were you a ever
20 affiliated with a college in Cambridge?

21 A. I was invited to give a few
22 lectures at different colleges while I
23 was there.

24 Q. What colleges?

1 A. I don't remember the names
2 of the colleges. It's many years ago.

3 Q. Would that have been in the
4 2004 timeframe?

5 A. It would have been 2001,
6 '02, '03, '04 because I resided in the UK
7 for about six years.

8 Q. And what were you doing
9 professionally when you lived in
10 Cambridge for six years?

11 A. I was on leave from Drexel
12 University.

13 Q. Doing what?

14 A. I was on a medical leave.

15 Q. Why did you take your
16 medical leave from Drexel University in
17 the United Kingdom?

18 A. I had a serious back injury
19 from a car accident and I needed to have
20 a year away when Drexel would stop
21 ringing up my phone every day.

22 Q. So did you work while you
23 were there?

24 A. I gave guest lectures,

1 occasional guest lectures there and on
2 the continent.

3 Q. The next degree is an M.D.
4 (AM.) What does that mean?

5 A. Yes.

6 Q. What does that mean, the AM?

7 A. Alternative medicine.

8 Q. So is that different than a
9 Doctor of Medicine degree?

10 A. Yes. That's natural
11 medicine.

12 Q. And you received that degree
13 in 2004 from Open International
14 University, Columbo, Sri Lanka India?

15 A. Correct.

16 Q. Did you actually physically
17 go to India to receive that degree?

18 A. No, I did not.

19 Q. Did you take any course work
20 to receive that degree?

21 A. They used my course work
22 from the University of Vermont and other
23 institutions because I have a strong
24 interest in complementary medicine.

1 Q. You also have another M.D.
2 (AM) received in 2004, this time labeled
3 as Doctor of Medicine in Alternative,
4 slash, Integrated Medicine, Medicina
5 Alternativa?

6 A. Yes.

7 Q. If I didn't butcher that.
8 Okay.

9 From the Indian Board of
10 Alternative Medicine Calcutta?

11 A. That's correct.

12 Q. And did you go to Calcutta
13 in connection with that degree?

14 A. No, I did not have to. I
15 didn't go to.

16 Q. What did they accept in
17 order to award you that degree?

18 A. They reviewed my transcripts
19 and my entire profile to do that.

20 Q. So was that again the
21 University of Vermont course work?

22 A. It included University of
23 Vermont, yes.

24 Q. Did it return -- sorry.

1 Strike that.

2 Did it include anything
3 else?

4 A. They probably did but I
5 don't recall.

6 Q. Do you have any other M.D.
7 or medical degree or equivalent? Or did
8 we review all of them?

9 A. No, I think you've got it
10 covered.

11 Q. Are you a practicing doctor
12 in the United States?

13 A. No.

14 Q. Are you licensed to practice
15 medicine in United States?

16 A. I was at one time.

17 Q. In what state?

18 A. West Virginia.

19 Q. When was that?

20 A. A long time ago.

21 Q. If it refreshes your
22 recollection at all, take a look at page
23 4, if it would be helpful. And of
24 course, I want your current answer. But

1 just there's a section at the top, it
2 says, Medical Licensure, West Virginia,
3 USA.

4 A. Right.

5 Q. And it says that it expired
6 in July of 2010. Do you see that?

7 A. Right.

8 Q. Does that sound right to
9 you?

10 A. That seems right. I just
11 didn't bother renewing it.

12 Q. Have you ever treated
13 patients in the United States as a
14 medical doctor?

15 A. No. I've been an academic
16 and a researcher.

17 Q. Do you know when you
18 received your medical degree in West
19 Virginia? I'm sorry, strike that.

20 Do you know when you
21 received your medical license from West
22 Virginia?

23 A. I don't recall the year.

24 Q. It also says here that you

1 are an Allied Health Professional in
2 California. Is that a medical doctor?

3 A. That was Allied Health. It
4 was when I first -- I did a sabbatical in
5 California at a pharmaceutical firm.

6 Q. But is that the same as a
7 medical license in California?

8 A. No, that's more pathology.

9 Q. In the District of Columbia
10 you have listed Naturopathic Medicine?

11 A. Yes. I was registered their
12 Naturopathic Medicine.

13 Q. Is that the same as a
14 license to practice medicine?

15 A. It was in that domain, yes.

16 Q. So you are able to practice
17 medicine in the District of Columbia?

18 A. Natural medicine.

19 Q. Just natural medicine?

20 A. Natural medicine. Yes.

21 Q. But it was an
22 unrestricted -- it was not an
23 unrestricted license to practice
24 medicine?

1 A. No. No.

2 THE WITNESS: I don't think
3 they issue those anymore, I don't
4 know. I haven't kept up with it.

5 MS. MCENROE: Well, it's
6 almost 10 o'clock and we're about
7 to have a fire alarm so we're
8 going to take a quick break.

9 VIDEOGRAPHER: Off the
10 record at 9:57 a.m.

11 (At this time, a short break
12 was taken.)

13 VIDEOGRAPHER: We're back on
14 the record at 10:08 a.m.

15 BY MS. MCENROE:

16 Q. Dr. Tulp, I'd like to talk a
17 little bit about your work at USAT. And
18 in particular, your role as an authorized
19 signatory on behalf of USAT for purposes
20 of the Educational Commission for Foreign
21 Medical Graduates?

22 A. Sure.

23 Q. When I say an authorized
24 signatory, do you know what I'm talking

1 about?

2 A. I think I do.

3 Q. What does that mean to you?

4 A. It means I get to sign
5 things.

6 Q. You get to sign things for
7 what purpose?

8 A. Diplomas and I suppose also
9 it would include anything that requires
10 an official signature.

11 Q. In order to communicate to
12 the Educational Commission for Foreign
13 Medical Graduates, that the information
14 is correct?

15 A. Presuming it's correct as
16 presented to me.

17 Q. To the best of your
18 knowledge?

19 A. To the best of my knowledge.

20 Q. Do you understand that you
21 are not presently permitted by the ECFMG
22 to be an authorized signatory?

23 A. I understand that.

24 Q. Do you know if USAT has

1 different authorized signatories at
2 present aside from yourself?

3 A. Yes, it does.

4 Q. And who is that?

5 A. Carla Konyk is the
6 authorized signature now.

7 Q. Anybody else?

8 A. The registrar which would
9 be --

10 Q. Mary Hickling?

11 A. Mary Hickling, yes.

12 Q. And they are both presently
13 employees of USAT?

14 A. Yes.

15 Q. Do you know whether they
16 were both authorized signatories
17 previously when you were also an
18 authorized signatory?

19 A. I was not aware that they
20 were.

21 Q. Do you know one way or the
22 other?

23 A. I did not know that they
24 were authorized signatories at that time.

1 I only knew that the registrar, because
2 her signature has to be recorded with an
3 official ECFMG form of some sort. And I
4 knew that she was but I didn't know any
5 of the others were.

6 Q. And when you say the
7 registrar, you're talking about Ms.
8 Hinkling?

9 A. Ms. Hinkling, yes.

10 Q. And how long has she been
11 the registrar at USAT?

12 A. About five years I think.
13 I'm guessing.

14 Q. Previously when you were an
15 authorized signatory to ECFMG, when
16 documents were signed with your name,
17 were you the actually the one signing
18 them?

19 A. I hope I was but I can't
20 attest that I always was.

21 Q. And why do you say that?

22 A. Well, some of the forms are
23 already signed when I get them.

24 Q. By you?

1 A. Some by the ECFMG.

2 Q. Right. But if you sign a
3 document as the authorized signatory on
4 behalf of USAT previously and submitted
5 it to ECFMG, did it have your signature
6 on it before you received it? Is that
7 what you're saying?

8 A. I can't say yes or no. That
9 it was always that way.

10 Q. So you said you hoped that
11 you were the person who actually signed
12 the documents, was anybody else at USAT
13 authorized to sign on your behalf?

14 A. No.

15 Q. Was anybody authorized to
16 send e-mails on your behalf?

17 A. I believe that the -- they
18 sent everything out over my signature
19 block. When they send correspondence to
20 students, for example, they send it over
21 my signature block, and I never really
22 thought very much about that one way or
23 the other.

24 Q. But you may not have

1 necessarily been the author of the
2 e-mails, is that what you're saying?

3 A. I would not have been the
4 author.

5 Q. Sometimes you were and
6 sometimes you weren't?

7 A. More often than not on the
8 usual correspondence then I'm not author.

9 Q. I just want to confirm the
10 e-mail addresses that you use.

11 A. I (indicating.)

12 Q. I just want to confirm the
13 e-mail addresses that you use. One I
14 have is O.tulp, which is T-U-L-P,
15 @USAT.edu?

16 A. That is correct.

17 Q. And another I've seen is
18 USAT.edu@gmail.com.

19 A. Yes. That preceded the edu,
20 the Educause domain.

21 Q. And those are both e-mails
22 addresses you have used?

23 A. Yes.

24 Q. And you receive e-mails at

1 those e-mail addresses?

2 A. Yes.

3 Q. Since it sounds like you
4 have some uncertainty about whether
5 documents that went to ECFMG with your
6 signature on them weren't necessarily
7 signed by, did you ever raise that
8 concern to ECFMG?

9 A. I haven't because as a
10 result of this I became aware of it.

11 Q. What do you mean by that?

12 A. I was not aware that there
13 were questions before. 15 years we had
14 no glitches. Not a single glitch.

15 Q. I just want to make sure I
16 break that down and understand what
17 you're talking about.

18 So when you say before this
19 are you talking about before the
20 circumstances that bring us to this
21 deposition today?

22 A. Yes.

23 Q. And when you say you weren't
24 aware of there being glitches, what do

1 you mean by a glitch?

2 A. The ECFMG is claiming that
3 documents were inaccurate. I'm unaware
4 of any that were inaccurate when they
5 were sent by me.

6 Q. Are you now aware that they
7 were inaccurate at the time?

8 A. No. Because I have not seen
9 proof.

10 Q. What steps, if any, is USAT
11 currently taking to make sure that
12 documents that are signed by an
13 authorized signatory sent to ECFMG are
14 accurate?

15 A. When Dr. Konyk reviews them
16 she has access to administrative files
17 that I do not. So she's able to go back
18 and verify names, dates and places that I
19 could not.

20 Q. And is that a process that's
21 in place now?

22 A. It is. Yes, it's in place
23 now.

24 Q. Was it in place previously

1 when you were the authorized signatory or
2 a authorized signatory I should say?

3 A. We follow FERPA. And
4 therefore, if you have no need, there's
5 no requirement to see if this particular
6 document, you cannot access that. So
7 during the process of leading up to this,
8 I can't go in and look at a person's
9 transcript and make a comment on it or
10 edit it or verify things. Occasionally,
11 I can get them but I'm not authorized to
12 be in that system because I have no need
13 to enter data. If you can't enter data
14 there's no need to be in there.

15 Q. So when you were the
16 authorized signatory, you were also
17 President of USAT signing documents to
18 attest to the veracity of transcripts and
19 diplomas to the ECFMG, but you say that
20 you had no reason to check that they were
21 actually accurate?

22 A. I had to reason to doubt
23 that they were correct. I had no reason
24 to doubt that they were correct or

1 incorrect because as they were presented
2 to me they've already been through the
3 registrar for verification.

4 Q. What was the process there?
5 Because my understanding is is that ECFMG
6 would send documents to USAT asking if
7 these are correct, and then they would
8 come back with your signature saying they
9 were.

10 So at what point was the
11 registrar verifying that they were
12 correct and how do we know that that's
13 true based on the document?

14 A. At that point I would take
15 the data from the transcript.

16 Q. Which transcript?

17 A. The USAT transcript.

18 Q. Provided from ECFMG?

19 A. Provided by the registrar.

20 Q. So you would get a
21 comparison?

22 A. I'd get it and if they
23 matched they matched. They almost all
24 exclusively did. I don't recall any

1 times when they did not match.

2 Q. So how does that play in
3 with FERPA, if you were verifying that
4 the transcripts matched or that the
5 diplomas matched, what is it that you're
6 talking about that you were not
7 accessing?

8 A. I can't access -- if you
9 come to me as a student and you want me
10 to do a grade, review your file, I can
11 only review what the student brings to me
12 to look at and what their study plan is.
13 I can't review their -- I can't -- I
14 can't calculate on whether they got an A,
15 B, C or a D on a grade because I can't
16 read that part of the -- I can't read
17 that part of the file.

18 Q. So you as president were not
19 authorized to read those files to make
20 sure that they were accurate?

21 A. I never asked to be
22 authorized to read that because that's --
23 I delegate that to the registrars. Those
24 that have a need to be in those files.

1 Q. So in fulfilling your role
2 when you were an authorized signatory for
3 ECFMG, when a transcript or a diploma was
4 sent to USAT for primary source of
5 verification you did not access the
6 underlining information --

7 A. -- then I would get --

8 Q. Hold on. Let me finish my
9 question.

10 -- you did not access the
11 underlining information in USAT's system
12 to verify that it was accurate?

13 A. I would access it through
14 the registrar.

15 Q. What do you mean by that?
16 Physically, how did it work?

17 A. I would ask her now to send
18 me a copy of that transcript so that I
19 could verify the accuracy.

20 Q. Okay. So you would. You
21 would just have a middle person, who
22 would go into the system and get it for
23 you and then you can hold the two next to
24 each other and say, yes, that matches?

1 A. Right. I can look at it
2 side-by-side and say, yes, they match
3 that's correct.

4 Q. And do you believe you did
5 that each time that your signature was on
6 a document, to ECFMG as the authorized
7 signatory for either a diploma or a
8 transcript?

9 A. I believe I did, yes.

10 Q. If you were permitted by
11 ECFMG now would you continue to serve as
12 an authorized signatory for USAT to
13 ECFMG?

14 A. I would.

15 Q. And would you change the
16 process involved to make sure that there
17 were no "glitches?"

18 A. I would tighten it up.

19 Q. And how would you tighten it
20 up?

21 A. I would tighten it up by,
22 you know, request the access to the files
23 at that time so that I can look not just
24 at the transcript but the entire academic

1 record.

2 THE WITNESS: There's one
3 point that you didn't finish with.

4 MR. REIL: Wait for a
5 question.

6 THE WITNESS: Okay. All
7 right.

8 BY MS. MCENROE:

9 Q. You testified earlier that
10 Ms. Cruz was dismissed from USAT because
11 of some issues with her performance; is
12 that correct?

13 A. She wasn't dismissed she
14 walked off the job.

15 Q. Ah, so she quit?

16 A. She quit.

17 Q. But in any event, you
18 mentioned that she had had some
19 performance issues; is that correct?

20 A. Yes. She had been counseled
21 repeatedly.

22 Q. Do you know if any of those
23 errors coming from Ms. Cruz made their
24 way to ECFMG?

1 A. I believe they probably did.

2 Q. And what role was she
3 playing?

4 A. She was the registrar.

5 Q. So you would have been
6 relying on --

7 A. -- she was the registrar
8 before Mary Hickling.

9 Q. So you would have been
10 relying on information from Ms. Cruz --

11 A. Yes.

12 Q. -- in serving as the
13 authorized --

14 A. Right.

15 Q. -- signatory to ECFMG?

16 A. Right. We became aware of
17 the errors maybe a year prior to her
18 departure.

19 Q. What steps, if any, did you
20 take to rectify those errors with ECFMG?

21 A. She was counseled, she was
22 put on probation.

23 Q. Did the actual errors that
24 made their way to ECFMG get corrected?

1 A. When we found them we would
2 correct them, yes.

3 Q. You corrected them with
4 ECFMG directly?

5 A. Some, yes. Some, yes. I
6 think some probably did get corrected,
7 you know, that way.

8 Q. But potential that some of
9 them did not?

10 A. But until I became aware of
11 these because -- I became aware of it
12 when I was reviewing some of the
13 transcripts to certify individuals, that
14 there were errors on those transcripts
15 that had slipped through. Typos,
16 misspellings. I looked mostly at the
17 signature, the heading of the transcript.
18 The name, make sure the name is correct.
19 And that it matched the application, that
20 it matched all the other parts of the
21 file. And that's when we discovered that
22 not only was the -- were names being
23 misspelled, careless typing. Failing to
24 check her work.

1 Q. Could there have been
2 substantive errors as well?

3 A. There could have been.
4 There could have been.

5 Q. And they would have gone to
6 ECFMG under your signature?

7 A. They could have before I
8 detected it.

9 Q. Is USAT currently operating
10 as a medical school?

11 A. It's currently operating,
12 yes, because we have files that we have
13 to attend to and maintain for a number of
14 years.

15 Q. Does USAT currently have
16 students enrolled?

17 A. I don't believe so.

18 Q. When was the last student
19 enrolled attending USAT?

20 A. Probably December 31st.

21 Q. 2018?

22 A. Yes.

23 Q. Do you know if any students
24 were set to graduate after January 1,

1 2019?

2 A. There were some that would
3 have been eligible in the coming year,
4 yes.

5 Q. Do you know what happened to
6 those students?

7 A. I believe they've all
8 transferred to other schools.

9 Q. Did anyone, in fact,
10 graduate after January 1, 2019?

11 A. No.

12 Q. Going back to the previous
13 years, 2014, '15, '16. Prior to the
14 circumstances that bring us here today,
15 when would you USAT hold graduation?

16 A. Twice a year.

17 Q. When is that?

18 A. Mid June and mid December.

19 Q. Mid June and mid December.

20 And typically, how many
21 students would graduate at each of those
22 graduation ceremonies, ballpark?

23 A. It would vary depending on
24 how many were -- had completed the

1 requirements at that point.

2 Q. And was one was graduation
3 ceremony more common than the other? So
4 would most people graduate in the summer
5 and a couple in December or would
6 it be in --

7 A. About half and half.

8 Q. About half and half.

9 A. It changed over time.

10 Q. And what do you mean by
11 that?

12 A. The December graduation
13 became more popular.

14 Q. Why do you think that?

15 A. Because that would graduate
16 them in time to go to residency without
17 skipping a year.

18 Q. And explain to me how that
19 timeframe works, that sort of life cycle?

20 A. During their fourth, you
21 know, their last year, their fourth year,
22 they would be taking all of the remainder
23 of the USMLE, you know, requirements, and
24 we would like to have them complete those

1 before they graduate.

2 Q. Do they have to complete
3 those before they graduate?

4 A. No.

5 Q. And what do you mean by
6 that? So they can still have course work
7 ongoing even if they graduated?

8 A. If they're an international
9 student there's no need to take the
10 USMLE.

11 Q. Ah, I see. So you're saying
12 because they may not come to the United
13 States to practice medicine; correct?

14 A. They do not all want to come
15 here to practice.

16 Q. When USAT had students
17 enrolled, was it possible for a student
18 to graduate before they finished their
19 course work for USAT?

20 A. No.

21 Q. Typically, how many years
22 would it take a student at USAT to get
23 through the medical curriculum at USAT?

24 A. Typically about

1 three-and-a-half years.

2 Q. And you say typically, is
3 that the most common or do you view there
4 as being some other general range?

5 A. Some take longer than
6 others.

7 Q. And when you say that, would
8 3.5 years generally be the minimum that
9 it would take for someone to get
10 through --

11 A. -- probably the average.

12 Q. The average?

13 A. Yeah.

14 Q. And how quickly could
15 someone get through it if they were doing
16 the course work?

17 A. Probably as little as three
18 years because there are no breaks.

19 Q. When you say that, you mean
20 that they have accelerated their course
21 work so it would be a little bit more
22 condensed?

23 A. There no -- there's no term
24 off. There's no, you know, in my day we

1 had the summers off. Our students don't
2 have the summers off. Once they start
3 the program it is nonstop until they
4 finish. So they can complete that four
5 years of, you know, academic work in
6 about three academic -- three calendar
7 years.

8 Q. Would it be possible for
9 them to do it faster than three calendar
10 years?

11 A. It would be possible but not
12 very -- not very often. We don't like to
13 graduate them too soon.

14 Q. When you say it would be
15 possible, I'm just trying to understand
16 that -- in my experience, tell me if I'm
17 wrong, there's a certain number of course
18 hours one would need to complete --

19 A. Right.

20 Q. -- usually to get through a
21 curriculum, is that how it was at USAT?

22 A. Yeah, they can.

23 Q. So if you took no terms off
24 would it be possible to condense the

1 education faster than three calender
2 years?

3 A. It would be a challenge.

4 Q. Do you know of students
5 having done that?

6 A. I believe a few may have but
7 we usually would not encourage them to
8 graduate until after they take that
9 remaining time to finish the USMLE
10 requirements. If they put those off
11 until the end they might be able to
12 finish the academic part a little bit
13 quicker but we want them to do those all
14 before they graduate whenever possible.

15 Q. And when you say the USMLE
16 requirements, are you talking about
17 examinations?

18 A. Step one, step two CS at
19 2CK.

20 Q. Did USAT have a requirement,
21 a graduation requirement, for its
22 students who were intending to go to the
23 United States to pass any of the steps?

24 A. They do not have to pass the

1 USMLE to graduate because the USMLE is
2 not an academic requirement.

3 Q. Does USAT require it or no?

4 A. We do not require them to,
5 no.

6 Q. Do you know how many
7 students graduated from USAT in 2015?

8 A. I don't recall exactly.
9 Probably about a hundred.

10 Q. And in 2016?

11 A. Probably about a hundred.

12 Q. And 2017?

13 A. Probably about a hundred.

14 Q. And 2018?

15 A. Two hundred and eight --
16 2018 was a banner year because of the
17 ECFMG actions.

18 Q. So how many in 2018?

19 A. 400.

20 Q. 400?

21 A. Yes. Approximately. I
22 don't know the exact number.

23 Q. And when you say it was a
24 banner year because of the ECFMG actions,

1 what do you mean?

2 A. Students who were in that
3 final transitional year, the pressure on
4 them then was to graduate, in some cases,
5 before they had taken the USMLE.
6 Normally, they would have delayed until
7 2019.

8 Q. So were all 400 who
9 graduated in 2018 in their final year at
10 USAT?

11 A. Obviously.

12 (Brief interpretation.)

13 THE WITNESS: Sorry. Sorry.

14 MS. MCENROE: No problem.

15 You can --

16 THE WITNESS: I thought I
17 put the power off before.

18 BY MS. MCENROE:

19 Q. And when -- in 2018, do you
20 know what happened to the non-final year
21 students at USAT, the lower-graded
22 students?

23 A. They transferred to other
24 schools.

1 Q. And how many students
2 transferred?

3 A. About a thousand.

4 Q. Do you know if any of them
5 transferred to the University of Health
6 and Humanities BVI?

7 A. No. I do not know.

8 Q. You don't know one way or
9 the other?

10 A. I don't know one way or the
11 other.

12 Q. Do you know where the
13 majority of them transferred to?

14 A. No, I do not. I know some
15 of the schools they transferred to but I
16 don't know all of them.

17 Q. Was there a primary school
18 or two that they transferred to or was it
19 a mix?

20 A. It was a mix.

21 Q. Just trying to get an
22 understanding for USAT's operations in
23 terms of tuition from its students.

24 Did USAT get paid tuition

1 annually, semiannually, quarterly, how
2 did that work from students?

3 A. They had a payment plan.
4 Every student has to sign a payment plan.

5 Q. So explain what that means.

6 A. They make an agreement when
7 they matriculate of how they're going to
8 pay their tuition.

9 Q. Is there a standardized
10 payment plan?

11 A. It's tailored to the
12 individual.

13 Q. I understand it may be
14 tailored to the individual. But is there
15 a standard form --

16 A. Yes.

17 Q. -- of agreement?

18 A. Yes.

19 Q. And so on the standard form
20 was there a schedule for payment?

21 A. Yes.

22 Q. Can you explain that
23 schedule, please?

24 A. The schedule would be how

1 much they plan to pay each month and how
2 they plan to pay it.

3 Q. So they paid monthly?

4 A. Some paid monthly.

5 Q. And some paid otherwise?

6 A. Some paid on whatever
7 schedule they could agree on.

8 Q. How many, percentage-wise,
9 paid monthly?

10 A. I do not know.

11 Q. Who would know that?

12 A. The administrative office in
13 Colorado would know that.

14 Q. So is that Ms. Konyk?

15 A. That would be Dr. Konyk.

16 Dr. Konyk, yes.

17 Q. Oh, it's Dr. Konyk, I'm
18 sorry.

19 So it sounds to me, and
20 correct me if I'm wrong, that the -- in
21 the usual course for a USAT student
22 before 2018 a student would attend course
23 work?

24 A. Right.

1 Q. Between three-and-a-half,
2 four years kind of timing?

3 A. Typically.

4 Q. And they'd remain a USAT
5 student until they got through certain of
6 the USMLE exams? Certain of the steps?

7 A. That was -- that was the
8 plan.

9 Q. Did those students continue
10 to pay tuition between when they finished
11 course work and when they finished their
12 USMLE exams?

13 A. Some did.

14 Q. But some did not?

15 A. It was an individual basis.

16 Q. But they yet remained
17 enrolled at USAT?

18 A. It's an individual basis
19 that they would work out with the vice
20 president.

21 Q. Do students pay any
22 additional amount of money upon
23 graduation for the termination of their
24 time at USAT?

1 A. No, no. A graduation fee
2 and that's all they would pay.

3 Q. Would USAT graduate students
4 who still had amounts due and owing of
5 USAT?

6 A. They could walk for
7 graduation.

8 Q. Would you issue a diploma?

9 A. No.

10 Q. Do you know in 2018 if USAT
11 issued diplomas before students finished
12 paying their tuition?

13 A. USAT did not issue diplomas
14 until tuition is paid. They have to
15 clear all the academic and administrative
16 elements before they receive their
17 certificates.

18 Q. Is it fair to say that USAT
19 got paid on a time basis, so monthly or
20 quarterly, whenever the student could, as
21 opposed to an X amount for a medical
22 degree? So if took a student five years
23 it would cost more than someone who took
24 three years?

1 A. No.

2 Q. So explain that to me.

3 A. The fees are explained in
4 their admission document exactly how much
5 they're going to be and they're locked in
6 at the time of matriculation.

7 MS. MCENROE: For purposes
8 of the record, and we can follow
9 up after the deposition, we're
10 going to put in a request for
11 production of at least the
12 standard form tuition agreement
13 with the students. It's
14 responsive to a number of our
15 document requests in particular,
16 for example, number 12 documents
17 sufficient to show USAT's revenue
18 for calendar years 2003 through
19 2018. Copies of and all documents
20 relating to contracts between USAT
21 and USAT students, etcetera.

22 MR. SWATE: Send us a formal
23 request.

24 MS. MCENROE: Yeah, we'll

1 send you a letter in writing but I
2 just wanted to put you on notice
3 now.

4 MR. SWATE: Send us a formal
5 request.

6 MS. MCENROE: Oh, we did
7 already.

8 MR. SWATE: Oh, you have?

9 MS. MCENROE: Yes, we
10 already sent you a formal request,
11 that's what I'm looking at from
12 February 19, 2019.

13 MR. SWATE: Okay.

14 MR. REIL: Is that different
15 than what we've answered so far?
16 That's a request that has not been
17 answered?

18 MS. MCENROE: It's a request
19 that's been answered like all the
20 rest of your answers that you're
21 not providing us with documents.
22 And I'm specifically telling you,
23 we found out now that there are
24 documents responsive that we

1 should be able to at least see a
2 copy of the form tuition
3 agreement.

4 MR. REIL: I'm certainly not
5 going to agree to that. But as my
6 cocounsel said, send us the
7 request.

8 MS. MCENROE: Well, we
9 already made the request. But
10 we'll send you a letter clarifying
11 the request.

12 MR. REIL: Thank you.

13 BY MS. MCENROE:

14 Q. Do you know when USAT last
15 admitted a student, most recently?

16 A. Mid September.

17 Q. 2018?

18 A. 2018.

19 Q. Do you know what happened to
20 that last admitted student, did they
21 graduate?

22 A. Not if they applied in
23 September they wouldn't have graduated,
24 no.

1 Q. So I had asked you a
2 question before, if a student took five
3 years to graduate did they pay more than
4 a student who graduated in three years.

5 A. No.

6 Q. So can you explain that to
7 me?

8 A. There are fees, expected
9 fees, that are set when they are
10 admitted. Those fees are locked in, as
11 University policy, and they will not
12 change for that student. If the tuition
13 rate changes they got locked in at the
14 original rate quoted to them originally.
15 They need to plan their budgets just like
16 we need to plan ours.

17 Q. Right. But it sounded like
18 the students got charged on a monthly
19 basis. And so I'm just trying to
20 understand when you say that they're
21 charged a fee or quoted a fee, is that a
22 lump sum price, it will cost you X amount
23 of dollars to get your medical degree
24 here?

1 A. It depends on the student
2 and how many semesters they must complete
3 and what the total cost is predicted to
4 be. If it goes over that we don't charge
5 them extra.

6 Q. If they take longer you
7 don't charge them extra?

8 A. Well, some people have to
9 take a leave for a month or a week or a
10 semester for family reasons, for personal
11 reasons, and we don't charge them more
12 money because they had to take a leave,
13 that would be silly.

14 Q. So if a student graduated in
15 fewer years, so let's say in four years,
16 did that student pay less tuition than
17 somebody who took longer?

18 A. They pay what would be
19 quoted in their admission letter.

20 Q. Right. But I'm still trying
21 to understand. You had said they would
22 pay on some periodic basis, be it monthly
23 or whatnot. And I was trying to
24 understand if they were quoted overall

1 amounts that they're charged?

2 A. It's based on a predicted
3 enrollment of four years.

4 Q. Okay. And if they finish in
5 three-and-a-half years would they be
6 charged less?

7 A. No. Because that would mean
8 they've completed their work faster than
9 prediction. We always try to predict an
10 extra six months or so for each student
11 to be on the safe side. But their
12 tuition is set as the number of semesters
13 they must complete and the amount of
14 course work they must complete, whether
15 it takes them three years or ten years.
16 It's the same.

17 No one has ever taken ten
18 years thankfully. We'd have a talk
19 before that happens.

20 Q. I'm sure you would.

21 A. That's where I come in.

22 Q. Yes. Okay. So we've been
23 talking a little bit about the money
24 inflowing, so coming into USAT. I just

1 want to understand, obviously, we're here
2 today because you filed a lawsuit against
3 ECFMG. What is it that you're hoping to
4 get out of this lawsuit?

5 A. Good resolution.

6 Q. What do you mean by that?

7 A. A good resolution. Number
8 one, you've attached me personally.
9 ECFMG has attached me personally without
10 justifying that.

11 Q. So I'm sorry --

12 A. -- without proof.

13 Q. I'm not trying to get at
14 what your allegations are. I think I
15 have a pretty good understanding of your
16 allegations. I'm trying to understand
17 the damages, the outcome, what you're
18 trying to get from ECFMG.

19 MR. REIL: I'm going to
20 object, that the witness should be
21 allowed to finish his answer.
22 It's a wide-ranging question. But
23 you can answer.

24 MS. MCENROE: You can

1 answer.

2 THE WITNESS: It's a
3 wide-ranging question. When the
4 ECFMG posted that warning on the
5 World Directory of Medical Schools
6 on or before September 11, 2018,
7 when it was first reported to me,
8 not by ECFMG but by a student. At
9 that point, all payments to the
10 University stopped and there was a
11 mass exitus. You cost us over a
12 thousand students and you cost
13 over a thousand students their
14 medical careers.

15 BY MS. MCENROE:

16 Q. All right. So I'm just
17 trying to make sure I understand what
18 you're seeking to get out of this
19 lawsuit. So you said you're not thousand
20 students, right, so you're not here on
21 behalf of their medical careers. You're
22 here on behalf of yourself; right?

23 A. The losses to the
24 University --

1 Q. Wait. Wait.

2 A. -- are extraordinary.

3 Q. So I'm trying to understand
4 through your lawsuit, Dr. Tulp, what is
5 it you're trying to get from ECFMG?

6 MR. REIL: I would request
7 that the witness be allowed to
8 finish his answer without
9 interruption.

10 MS. MCENROE: I'm trying to
11 make sure he actually answers my
12 question.

13 THE WITNESS: We want a
14 resolution. I'm not an
15 argumentative person. We want a
16 resolution. You gave the
17 University no opportunity to
18 correct whatever deficiencies you
19 found after 15 years of having
20 found none.

21 MS. MCENROE: I'm going to
22 move --

23 THE WITNESS: That makes no
24 sense to me.

1 MS. MCENROE: I'm going to
2 move strike as nonresponsive.

3 BY MS. MCENROE:

4 Q. So what dollar figure are
5 you looking to get from ECFMG?

6 A. The uncollectible --

7 Q. -- specific dollar --

8 A. -- do you want to have a
9 dollar figure?

10 Q. Yes, I would like a dollar
11 figure.

12 A. The uncollectible tuitions
13 as of October 1st up to, you know, from
14 at that point over \$41.2 million. These
15 are students that are paying a little bit
16 each month as they could, waiting to get
17 their documents.

18 Q. Anything else?

19 A. Personal damages.

20 Q. How much?

21 A. It's up to the judge.

22 Q. How much would you be
23 seeking?

24 A. You destroyed my career.

1 Q. I'm not --

2 A. -- I had spotless career for
3 50 years.

4 Q. Sir, I appreciate that. I'm
5 asking for a dollar figure. How much
6 would you be seeking from the court?

7 MR. REIL: Objection. There
8 are intangible damages in the
9 Complaint, that's for the
10 factfinder. You may answer.

11 BY MS. MCENROE:

12 Q. How much would you be
13 seeking from the court?

14 A. We haven't decided.

15 Q. Anything else?

16 A. We want a resolution.

17 Q. What do you mean by
18 resolution? You've used that multiple
19 times.

20 A. We have tried to work with
21 the ECFMG from the first e-mail and they
22 were very dishonest with me. They said I
23 lied and I did not. I don't lie. If
24 there was an error in a form somewhere

1 along the line that they discovered
2 retrospectively, let's fix the error,
3 let's not destroy the school. We had the
4 strongest academic record of any school
5 in the Caribbean, that we built. Because
6 we built it on an academic platform. You
7 destroyed that.

8 MS. MCENROE: Move to strike
9 as nonresponsive.

10 BY MS. MCENROE:

11 Q. So what do you mean by
12 resolution? You've used that word a
13 couple times.

14 A. We want to restore USAT
15 preferentially.

16 Q. What do you mean by
17 preferentially?

18 A. That would be our first
19 choice to restore USAT.

20 Q. Okay.

21 A. So they continue to function
22 and continue to provide the diversity of
23 medical education that other schools are
24 not doing.

1 Q. So that means through a
2 modification of ECFMG sponsor note?

3 A. Through removing the sponsor
4 note that's there that was placed well
5 before we knew, and well before any
6 correspondence from ECFMG.

7 Q. Anything else?

8 A. I think that's what's called
9 due process.

10 MS. MCENROE: Move to strike
11 as nonresponsive.

12 BY MS. MCENROE:

13 Q. Anything else?

14 A. What else do you need to
15 know?

16 Q. I'm just trying to get a
17 sense of what it is you're seeking
18 through this lawsuit. I've asked that
19 question a number of times. We've talked
20 through a number of things. I'm asking
21 if there's anything else?

22 A. We haven't decided the
23 damages.

24 Q. You haven't yet decided the

1 damages?

2 A. We have not decided the
3 damages.

4 Q. Okay. Well, we're in
5 discovery --

6 A. -- but we must collect the
7 uncollectible tuitions that became
8 uncollectible when that sponsor note went
9 on the World Directory of Medical Schools
10 without warning.

11 Q. As of October 1st?

12 A. It was there on September
13 11th.

14 Q. And when did you -- no, no,
15 I understand. But you said that there
16 was a mass exitus but you graduated a
17 whole lot of students in 2018; right?

18 A. Those were the ones that
19 completed the requirements or where in
20 their final semester.

21 Q. So you graduated a whole lot
22 of students at the end of 2018. Do you
23 have a sense of how much money USAT took
24 in from the finishing of the medical

1 education for all those 400 students at
2 the end of 2018?

3 A. No, I do not.

4 Q. How would we figure that
5 out? Does USAT keep financial
6 statements?

7 A. Yes, but I don't -- I don't
8 keep them.

9 Q. Does USAT get audited
10 financial statements?

11 A. I believe so.

12 Q. Do you know where USAT pays
13 taxes?

14 A. Yes, we do pay taxes.

15 Q. In which jurisdiction?

16 A. The United States.

17 Q. USAT pays taxes in the
18 United States --

19 A. -- in the United States and
20 in Montserrat.

21 Q. Where do you personally pay
22 taxes?

23 A. I personally pay taxes?

24 Q. Yes, where?

1 A. In the US.

2 Q. In which state?

3 A. Colorado.

4 Q. And do you file in any
5 foreign jurisdictions?

6 A. I earn no foreign income.

7 Q. And do you get paid a salary
8 from USAT?

9 A. No.

10 Q. How do you get paid from
11 USAT?

12 A. I don't get paid by USAT.

13 Q. Previously, did you get paid
14 by USAT?

15 A. No.

16 Q. So how do you earn a living?

17 A. I'm retired. I have a
18 pension.

19 Q. When did you retire?

20 A. 20 years ago.

21 Q. Have you ever earned money
22 from USAT?

23 A. No.

24 Q. So you said you get a

1 pension, is that from the US Army?

2 A. I get a military pension and
3 Social Security and a teacher's
4 retirement pension.

5 Q. And from teaching where?

6 A. From Drexel. And other
7 institutions.

8 Q. How long did you teach at
9 Drexel?

10 A. Over 20 years.

11 Q. And at what school at
12 Drexel? If I'm saying that the right
13 way. At the medical school,
14 undergraduate?

15 A. They did not have the
16 medical school then.

17 Q. Oh, I didn't realize that.
18 Okay. So where were you teaching within
19 Drexel?

20 A. I was Professor of
21 Nutrition.

22 Q. From when to when?

23 A. 1983 until 2004.

24 Q. And you get a pension from

1 them as well?

2 A. I have teacher's -- from the
3 TIAA.

4 Q. Anything else?

5 A. No.

6 Q. Any other sources of income?

7 A. No.

8 Q. And you said Social Security
9 as well?

10 A. Yes.

11 Q. I little bit of housekeeping
12 and then we can take a quick break. I
13 just want to make sure I have this right.

14 You have two counsel here
15 representing you today?

16 A. Yes, I do.

17 Q. You have Tommy Swate --

18 A. Yes.

19 Q. -- and Bill Reil?

20 A. Yes.

21 Q. And they're both your
22 lawyers?

23 A. Yes.

24 Q. And they're lawyers in this

1 case for you?

2 A. Yes.

3 Q. And they were lawyers for
4 you before the ECFMG hearing on November
5 28, 2018?

6 A. No.

7 Q. They were not?

8 A. Oh, yeah. They were here
9 then. Yes, yes, yes.

10 Q. Okay. So just to make sure
11 that the record is clear. For the
12 hearing you attended at ECFMG in November
13 2018 --

14 A. November 28th.

15 Q. -- both Tommy Swate and Bill
16 Reil came with you as your counsel?

17 A. That is correct.

18 Q. And you had engaged them
19 prior to that time; correct?

20 A. Yes.

21 MS. MCENROE: I'd like to
22 take a quick break.

23 THE WITNESS: Sure.

24 VIDEOGRAPHER: Off the

1 record at 10:48 a.m.

2 (At this time, a short break
3 was taken.)

4 VIDEOGRAPHER: We're back on
5 the record at 11:08 a.m.

6 MS. MCENROE: Subject to
7 question from counsel, I have
8 nothing further at this time.
9 Thank you very much.

10 THE WITNESS: Okay.

11 - - -

12 EXAMINATION

13 - - -

14 BY MR. SWATE:

15 Q. Coronal, I just have a few
16 questions. I'm calling you Coronal, is
17 that insulting to you?

18 A. Not at all.

19 Q. Why?

20 A. Because I earned the rank of
21 Coronal, professionally approved.

22 Q. In the --

23 A. -- in the United States
24 Army.

1 Q. It wasn't Iraqi Army, it
2 was the United States Army?

3 A. United States Army.

4 Q. And you didn't get that by
5 filing a few papers?

6 A. No, I did not.

7 Q. How long did you serve in
8 the United States Army?

9 A. Over 40 years.

10 Q. 40 years. Now, did you have
11 lawyers hired when you found out about
12 the posting by the ECFMG on this internet
13 site for medical schools?

14 A. No.

15 Q. Did you have notice it was
16 going to be posted?

17 A. No.

18 MS. MCENROE: Objection to
19 form.

20 BY MR. SWATE:

21 Q. How did you -- how did you
22 find out it was posted?

23 A. A student called me and -- I
24 believe on the 13th of September and

1 alerted me that it was there.

2 Q. You didn't get a certified
3 letter from the ECFMG?

4 A. No.

5 MS. MCENROE: Objection to
6 form.

7 THE WITNESS: No, I did not.

8 MR. SWATE: Just to make
9 sure I answer your objection.

10 BY MR. SWATE:

11 Q. Did you get any notice from
12 any party that they were posting this
13 information on the internet?

14 A. No.

15 MS. MCENROE: Objection to
16 form.

17 BY MR. SWATE:

18 Q. Who posted this information?

19 MS. MCENROE: Objection to
20 form.

21 THE WITNESS: As I
22 understand it, the posting was
23 from the ECFMG to the World
24 Directory of Medical Schools.

1 They take their instructions from
2 their sponsors, of which the ECFMG
3 is one.

4 BY MR. SWATE:

5 Q. Did you have a hearing prior
6 to this post?

7 A. No.

8 Q. So what -- what was the
9 affect of this posting on the USAT?

10 A. It was dramatic.

11 Q. Well, dramatic, what do you
12 mean by --

13 A. -- Dramatic in the sense
14 that up until mid September, I think
15 September 11th was the date that it was
16 actually posted, on or before, up until
17 mid December. Mid September we were
18 getting between 2- and 300 applications
19 per month and admitting maybe 50 of
20 those. They stopped. We haven't had an
21 admission since mid September. And since
22 that posting was on the World Directory
23 of Medical Schools our admissions group
24 tells us that there had only been 12

1 applicants in all that time, that's eight
2 months.

3 Q. Did it -- did any, have any
4 affect on your current students?

5 A. Yes.

6 Q. What affect did it have?

7 A. It was devastating because
8 they saw their medical degree going out
9 the window.

10 Q. Did any students leave the
11 school?

12 A. About a thousand. At least
13 a thousand. I don't have an exact count.

14 Q. Now, tell us a little bit
15 about your student population, is it
16 basically 22-year-olds from prominent
17 schools that get admitted or --

18 A. -- no.

19 MS. MCENROE: Objection to
20 form.

21 BY MR. SWATE:

22 Q. What's your student
23 population?

24 A. Student population are --

1 MS. MCENROE: Objection to
2 form.

3 THE WITNESS: -- adult
4 learners. The average age coming
5 in is mid 30s. They range in age
6 from early 20s to over 60. We do
7 not use any age criteria. They
8 represent a very diverse group of
9 students culturally and -- as they
10 come from all -- all walks of life
11 literally and all cultures.

12 About 50 percent or more are
13 minorities that do not have access
14 to medical school in the United
15 States' system for the most part.
16 And that gives them an opportunity
17 to earn a medical degree and
18 become a physician, which for many
19 of them it's their life dream.

20 BY MR. SWATE:

21 Q. How -- now, one of the
22 criteria of a successful medical schools
23 is how their students perform the test
24 that are administered by the USMLE, which

1 you can't take the test unless the ECFMG
2 gives you a certificate. How do your --
3 how do your students do on this test,
4 these tests, these series of tests?

5 MS. MCENROE: Objection to
6 form.

7 THE WITNESS: Generally they
8 do quite well.

9 BY MR. SWATE:

10 Q. Well, specifically, can you
11 tell me specifically how they do?

12 MS. MCENROE: Objection to
13 form.

14 THE WITNESS: About 90
15 percent pass, which is a very high
16 percentage for an international
17 school. The highest score that I
18 have seen several years ago was
19 290 on an exam out of 292 and 288.
20 They do very well.

21 BY MR. SWATE:

22 Q. Well, how does it compare
23 with the past rate of American medical
24 schools?

1 MS. MCENROE: Objection to
2 form.

3 THE WITNESS: Comparable.
4 Very comparable.

5 BY MR. SWATE:

6 Q. Now, once the students pass
7 the exams, arduous exams, how do they do
8 on their residency programs?

9 A. Very well.

10 MS. MCENROE: Objection to
11 form.

12 BY MR. SWATE:

13 Q. What's the acceptance rate
14 for residency?

15 A. This year --

16 MS. MCENROE: Objection to
17 form.

18 THE WITNESS: This year our
19 selection rate was 90 percent for
20 residency in spite of that
21 warning. It would have been
22 higher but many of them could not
23 get their results released in time
24 to be placed into residency.

1 BY MR. SWATE:

2 Q. Well, this lack of notice
3 and lack of hearing that ECFMG
4 participated in, what affect did it have
5 on your students?

6 MS. MCENROE: Objection to
7 form.

8 THE WITNESS: It was
9 devastating.

10 BY MR. SWATE:

11 Q. By devastating, what do you
12 mean?

13 A. Devastating because they
14 want information and they have not been
15 able to get accurate information from the
16 case workers.

17 Q. Well, what affect did it
18 have on applying for residency?

19 MS. MCENROE: Objection to
20 form.

21 THE WITNESS: We have --

22 BY MR. SWATE:

23 Q. -- if you know?

24 A. We have 51 signed up for

1 ERAS only about 20 were approved in time
2 by ECFMG. And of those 20 I believe 18
3 have now been placed.

4 Q. We talked about the ECFMG.
5 What is the role of the ECFMG in foreign
6 medical graduate education? Can you tell
7 the jury --

8 MS. MCENROE: Objection to
9 form.

10 BY MR. SWATE:

11 Q. -- what the role is?

12 A. They have exclusive control
13 over access to the US Medical Licensing
14 Examination. There's no other way to
15 take that exam except going through the
16 ECFMG. They're delegated that authority,
17 as I understand it, from various states.
18 And that would seem to make them, cause
19 they're governmental, because the states
20 are governmental.

21 Q. Well, Coronal, if I
22 understand what you're telling me, if
23 they don't get a certificate from the
24 ECFMG you cannot enter the United States

1 medical training?

2 A. They cannot.

3 MS. MCENROE: Objection to
4 form.

5 THE WITNESS: They cannot.
6 Because they also control the
7 residency ERAS, Electronic
8 Residency Application Service,
9 which gates them into applying for
10 specific programs for residency.

11 BY MR. SWATE:

12 Q. The -- what action did the
13 ECFMG take, understand it was a hearing
14 on the 28th, of November the 28th. Prior
15 to that hearing, what action did the
16 ECFMG take regarding documents they would
17 accept from your medical school, USAT?

18 MS. MCENROE: Objection to
19 form.

20 THE WITNESS: They, in their
21 statement, they said they would
22 not accept any documents that were
23 after December 31st. They
24 canceled the exam permits for many

1 students even though they had been
2 previously approved to take the
3 exam. When they go report in to
4 take the exam they would discover
5 that their exams had been canceled
6 by the ECFMG.

7 BY MR. SWATE:

8 Q. This December 31st date,
9 that's December 31, 2018?

10 A. No, this is in October --
11 November.

12 Q. No, I'm talking about the
13 date they wouldn't accept any documents
14 from USAT?

15 A. No, they would --

16 Q. -- at what date?

17 MS. MCENROE: Objection to
18 form.

19 THE WITNESS: The last date
20 they would accept documents they
21 had to have everything completed
22 by December 31st.

23 BY MR. SWATE:

24 Q. Of what year?

1 A. Of 2018.

2 Q. So on January 1, 2019, after
3 New Year's, it's like Cinderella that
4 turned into a pumpkin.

5 MS. MCENROE: Objection to
6 form.

7 THE WITNESS: Yeah, it turns
8 into now they can no longer --
9 after that they can't become
10 certified unless they have
11 completed all the requirements and
12 have the diploma in hand by the
13 end of 2018.

14 BY MR. SWATE:

15 Q. When was this December the
16 31st deadline imposed?

17 MS. MCENROE: Objection to
18 form.

19 THE WITNESS: I believe it
20 was in October.

21 BY MR. SWATE:

22 Q. Prior to the November 28th
23 hearing?

24 A. Yes.

1 Q. So the committee that heard
2 your case didn't make that decision?

3 MS. MCENROE: Objection to
4 form.

5 THE WITNESS: No, it was
6 already made.

7 MR. SWATE: And --

8 THE WITNESS: -- the actual
9 date was September 11th as far as
10 I can figure out from looking at
11 the date stamped on the World
12 Directory site.

13 BY MR. SWATE:

14 Q. So you weren't given an
15 opportunity for a hearing and notice of
16 the December 31st --

17 A. -- no.

18 MS. MCENROE: Objection to
19 form.

20 THE WITNESS: Not at all.

21 BY MR. SWATE:

22 Q. Now, you had a hearing on
23 December -- November the 28th; correct?

24 A. Correct.

1 Q. And who conducted that
2 hearing?

3 MS. MCENROE: Objection to
4 form.

5 THE WITNESS: Ms. McEnroe.
6 BY MR. SWATE:

7 Q. Ms. McEnroe. Did any
8 committee member speak?

9 A. No, not that I recall.

10 Q. Did any committee members
11 talk about any evidence that was being
12 presented against you?

13 A. No, not that I recall.

14 MS. MCENROE: Objection to
15 form.

16 BY MR. SWATE:

17 Q. Was evidence presented at
18 the hearing that you've never seen
19 before?

20 MS. MCENROE: Objection to
21 form.

22 THE WITNESS: There was a
23 book placed on the table that I've
24 never seen before. It was a black

1 book on a black table, almost
2 didn't see it when I walked by.

3 BY MR. SWATE:

4 Q. Was the committee -- was the
5 hearing adjourned?

6 A. Yes.

7 Q. Prior to you giving any
8 testimony?

9 A. Yes.

10 Q. Was your lawyer in the
11 process of going through the book when
12 the hearing was adjourned?

13 A. Yes, he was.

14 Q. Who was your lawyer?

15 A. Tommy Swate.

16 Q. Was Tommy Swate being
17 hostile or aggressive or frightening in
18 his representation of you during that --

19 A. -- no.

20 MS. MCENROE: Objection to
21 form.

22 Wait for him to finish the
23 question.

24 THE WITNESS: Not at all.

1 BY MR. SWATE:

2 Q. Now, Ms. McEnroe is a
3 witness; correct?

4 MS. MCENROE: Objection to
5 form.

6 THE WITNESS: She is a
7 witness, yes.

8 MR. SWATE: Can I just
9 consult with my counsel a minute?
10 We may be close.

11 MS. MCENROE: Sure. Do you
12 want to take a quick?

13 MR. SWATE: Yeah.

14 VIDEOGRAPHER: Off the
15 record at 11:20 a.m.

16 (At this time, a short break
17 was taken.)

18 VIDEOGRAPHER: Back on the
19 record at 11:26 a.m.

20 BY MR. SWATE:

21 Q. Just a couple quick
22 questions, Coronal.

23 In this hearing of the 28th
24 I just want to make it clear that the

1 committee presented no evidence against
2 you?

3 A. No, they did not.

4 MS. MCENROE: Objection to
5 form.

6 BY MR. SWATE:

7 Q. And you understand by their
8 agreement that they are required to make
9 a decision based on the preponderance of
10 the evidence?

11 MS. MCENROE: Objection to
12 form.

13 THE WITNESS: That's what I
14 understand.

15 BY MR. SWATE:

16 Q. Did -- by preponderance of
17 the evidence, could they have made some
18 kind of decision based on the evidence
19 heard in the committee meeting?

20 A. No.

21 MS. MCENROE: Objection to
22 form. Calls for a legal
23 conclusion.

24 BY MR. SWATE:

1 Q. Was there any evidence
2 presented in the committee meeting?

3 MS. MCENROE: Objection to
4 form.

5 THE WITNESS: In the
6 committee meeting that followed
7 the hearing?

8 BY MR. SWATE:

9 Q. No. The hearing, your --

10 A. -- no, there was no evidence
11 presented.

12 MR. SWATE: Okay. I'll pass
13 the witness.

14 MS. MCENROE: Thank you.

15 - - -

16 EXAMINATION

17 - - -

18 BY MS. MCENROE:

19 Q. I just have a couple of
20 quick questions.

21 A. Okay.

22 Q. You were just being
23 questioned by your counsel, Tommy Swate;
24 correct?

1 A. Right. Correct.

2 Q. You testified earlier that
3 I'm a witness, meaning Elisa McEnroe, is
4 a witness to the November 28th hearing --

5 A. Right.

6 Q. -- is that correct?

7 A. That's correct.

8 Q. So the same would be true
9 for your counsel, Tommy Swate; correct?

10 A. No --

11 Q. -- he was present?

12 A. Yeah, he was present.

13 Q. Yup. And he would be a
14 witness as well?

15 A. He would be the witness of
16 the events, yes.

17 Q. And Mr. Bill Reil as well
18 was a present at the hearing?

19 A. Yes.

20 Q. And he would be a witness as
21 well?

22 A. That's correct.

23 Q. When did you hire your
24 counsel Tommy Swate and Bill Reil?

1 A. October. I don't know
2 when -- it was after this, you know,
3 after this happened because we weren't --

4 Q. After what happened?

5 A. After we received the
6 September 14th, I think was -- the close
7 of business of September 14th, when I
8 received the e-mail from the ECFMG
9 notifying us. So that's at least three
10 days after it was posted.

11 Q. So you hired counsel in mid
12 September 2018?

13 A. Sometime around October 1st
14 or thereabouts. It took us a little
15 while to find an attorney who understood
16 the merits of the case.

17 But I have one question for
18 you.

19 MR. SWATE: No.

20 MR. REIL: No.

21 THE WITNESS: Because you
22 haven't introduced your friends
23 here. And I don't know who they
24 are.

1 MR. REIL: Don't worry about
2 that now. Just answer her
3 questions.

4 THE WITNESS: Okay.

5 BY MS. MCENROE:

6 Q. And when you say you hired
7 counsel that was Mr. Tommy Swate and Bill
8 Reil?

9 A. Correct.

10 Q. So that was sometime maybe
11 early October?

12 A. Something like that. I
13 don't recall the exact date.

14 Q. Got it. And have you
15 personally been sued by any USAT student
16 in connection with the ECFMG sponsor
17 note?

18 A. Not yet.

19 Q. Have you personally been
20 sued by any USAT student in connection
21 with the finding of irregular behavior
22 against you by ECFMG?

23 A. No, not yet.

24 Q. And when you say not yet, do

1 you know of any impending lawsuits at
2 present?

3 A. I've heard rumors.

4 Q. You've heard rumors. Do you
5 know about who was going to sue you?

6 A. I wouldn't care to disclose
7 that.

8 Q. Do you know if USAT has been
9 sued by any student in connection with
10 the sponsor note change for USAT from
11 ECFMG?

12 A. I'm not aware of it yet.

13 Q. You say you're not aware of
14 it yet, are you aware that USAT has been
15 sued or you don't, or no?

16 A. I'm not aware. I think I
17 would have known if they had been served
18 a suit. I have not been served a suit.

19 Q. Do you know if a suit
20 against USAT has been filed?

21 A. I do not know.

22 MS. MCENROE: I have no
23 further questions. Pending
24 counsel's questions.

1 MR. SWATE: No, we have --

2 MR. REIL: Nor do I.

3 MS. MCENROE: Great. Well,
4 thank you everybody. Thank your
5 for your time, Doctor.

6 VIDEOGRAPHER: This
7 concludes this deposition. The
8 time is 11:30 a.m., we're off the
9 record.

10 (Video deposition concluded
11 at 11:30 a.m.)

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C E R T I F I C A T I O N

I, DANA M. JONES, Professional Court Reporter and Notary Public, certify that the foregoing is a true and accurate transcript of the deposition held before me at the time, place and on the date hereinbefore set forth.

I further certify that I am neither attorney nor counsel for, not related to or employed by, any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

DANA M. JONES

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University of Science, Arts & Technology (USAT) Faculty of Medicine

Montserrat

School Details Contact Information Program Details Sponsor Notes

The information below has been provided by the World Directory's sponsoring organizations.

Educational Commission for Foreign Medical Graduates (ECFMG), United States of America

- Students and graduates of this medical school are eligible to apply to ECFMG for ECFMG Certification and for examination, provided that:
 - For medical school students officially enrolled in this school, the graduation years are listed below as "current".
 - For graduates of this medical school, their graduation year is included in the graduation years listed below.

Graduation Years:

2003 - 2018

- All other eligibility requirements are met. Refer to the [ECFMG Information Booklet](#) for detailed information.

Note: As of January 1, 2019, students and graduates of this medical school with a graduation year of 2019 and later are not eligible to apply to ECFMG for ECFMG Certification, which also renders them ineligible to apply to ECFMG for the United States Medical Licensing Examinations (USMLE) as a step toward ECFMG Certification.

- Currently, students and graduates of USAT are subject to enhanced procedures that must be met in order to be eligible to apply for ECFMG Certification related services, including but not limited to: ECFMG Certification, USMLE examinations that lead to ECFMG Certification, and Electronic Residency Application Service (ERAS®) Support Services. ECFMG will provide information and instructions to applicants upon receipt of application.

FAIMER SCHOOL ID: F0000836

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DR. ORIEN L. TULP,)	
)	
Plaintiff,)	Case No. 2:18-cv-05540-WB
)	
v.)	Hon. Wendy Beetlestone
)	
EDUCATIONAL COMMISSION FOR)	
FOREIGN MEDICAL GRADUATES and DR.)	
WILLIAM W. PINSKY,)	
)	
Defendants.)	
)	

**DECLARATION OF KARA CORRADO IN SUPPORT OF
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

I, Kara Corrado, declare as follows:

1. I am currently employed as the Vice President for Operations at the Educational Commission for Foreign Medical Graduates (“ECFMG”).
2. I make this Declaration in connection with the above-captioned action. I have personal knowledge of the facts stated herein and if called as a witness could and would testify to those facts.
3. Pursuant to Section B.7 of ECFMG’s Policies and Procedures Regarding Irregular Behavior, Dr. Orien L. Tulp was permitted to appeal the decision of the Medical Education Credentials Committee concerning allegations of irregular behavior by Dr. Tulp. Dr. Tulp never appealed that decision.
4. Pursuant to Section B.8 of ECFMG’s Policies and Procedures Regarding Irregular Behavior, Dr. Orien L. Tulp was permitted to petition for reconsideration of the Medical

Education Credentials Committee's decision concerning allegations of irregular behavior by Dr. Tulp. Dr. Tulp never petitioned for reconsideration of that decision.

5. On or around September 24, 2018, ECFMG updated its Sponsor Note for the University of Science, Arts, and Technology Montserrat ("USAT") in the World Directory of Medical Schools to add the following language:

Currently students and graduates of USAT are subject to enhanced procedures that must be met in order to be eligible for ECFMG Certification related services, including but not limited to: ECFMG Certification, USMLE examinations that lead to ECFMG certification, and Electronic Residency Application Service (ERAS) Support Services. ECFMG will provide information and instructions to applicants upon receipt of application.

6. I sent a letter to USAT on or about September 14, 2018 notifying USAT of the "enhanced procedures" described in the updated Sponsor Note. The document Bates numbered JA0102 is a true and correct copy of that letter.

7. On or around October 18, 2018, ECFMG updated its Sponsor Note for USAT in the World Directory of Medical Schools to add the following language:

Note: As of January 1, 2019, students and graduates of this medical school with a graduation year of 2019 and later are not eligible to apply to ECFMG for ECFMG Certification, which also renders them ineligible to apply to ECFMG for the United States medical Licensing Examinations (USMLE) as a step towards ECFMG Certification.

8. I sent a letter to USAT on or about October 18, 2018 notifying USAT of this change to ECFMG's Sponsor Note for USAT in the World Directory of Medical Schools. The document Bates numbered JA0113 through JA0114 is a true and correct copy of that letter.

9. ECFMG has not updated its Sponsor Note for USAT in the World Directory of Medical Schools to reflect the finding of irregular behavior against Dr. Tulp.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge.



EXECUTED: May 3, 2019

Kara Corrado